

# The City Record

Official Publication of the City of Cleveland

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August the Eighteenth, Nineteen Hundred and Ninety-Nine

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<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Jay Westbrook	
<b>Clerk of Council</b>	
Cecelia R. Huffman	
<b>Ward</b>	<b>Name</b>
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odellia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.  
First Assistant Clerk - Sandra Franklin.

**MAYOR-Michael R. White**  
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy  
Barry Withers, Executive Assistant for Administration  
Judith Zimomra, Executive Assistant for Service  
Kenneth Silliman, Executive Assistant for Economic Development  
Laura Ann Williams, Director, Office of Equal Opportunity  
Milan T. Polacek, Executive Assistant for Legislative Affairs

**DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106**  
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street  
Karen E. Martinez, Law Librarian, Room 100

**DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit**  
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19  
City Treasury - Mary Christine Jackman, Treasurer, Room 115  
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122  
Purchases and Supplies - William A. Moon, Commissioner, Room 128  
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue  
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  
Financial Reporting and Control - Robert Dolan, Controller, Room 18  
Information Systems Services - Hamid Manteghi, Commissioner, 1404 E. 9th St.

**DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue**  
DIVISIONS - 1201 Lakeside Avenue  
Water - Julius Ciaccia, Jr., Commissioner  
Water Pollution Control - Darnell Brown, Commissioner  
Utilities Fiscal Control - Morry Blech, Commissioner  
Cleveland Public Power - James F. Majer, Commissioner  
Street Lighting Bureau - Frank Schilling, Acting Chief.

**DEPT. OF PORT CONTROL - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner Burke Lakefront Airport - Michael C. Barth, Commissioner**

**DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113**  
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.  
Streets - Randell T. Scott, Commissioner, Room 25  
Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards  
Architecture - Paul Burik, Acting Commissioner, Room 517

**DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue**  
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue  
Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue  
Correction - Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road

**DEPT. OF PUBLIC SAFETY - Henry Guzmán, Director, Room 230.**  
DIVISIONS - Police - Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street  
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue  
Traffic Engineering & Parking - Mark Ricchiuto, Acting Commissioner, 4150 East 49th Street, Building #1  
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street  
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

**DEPT. OF PARKS, RECREATION & PROPERTIES - Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.**  
DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Property Management - \_\_\_\_\_, Commissioner, East 49th & Harvard

Parking Facilities - Dennis Donahue, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.  
Recreation - Michael Cox, Acting Commissioner, Room 8  
Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

**DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.**  
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.  
Neighborhood Services - Louise V. Jackson, Commissioner.  
Neighborhood Development - Donald T. Moss, Commissioner.  
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

**DEPT. OF PERSONNEL AND HUMAN RESOURCES - Jeffrey K. Patterson, Director, Room 121**

**DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren, Director, Room 210**

**DEPT. OF AGING - Susan E. Axelrod, Director, Room 122**

**COMMUNITY RELATIONS BOARD - Room 11, Dennis D. Dove, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. McBee, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.**

**CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.**

**SINKING FUND COMMISSION - Michael R. White, President; Betsy Hruby, Asst. Sec'y.; \_\_\_\_\_, Director; President of Council Jay Westbrook.**

**BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.**

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room 516, J. F. Denk, Chairman; J. Bowes, James Williams, Alternate Members - D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, J.S. Sullivan.**

**BOARD OF REVISION OF ASSESSMENTS - Law Director Cornell P. Carter, President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.**

**BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.**

**BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Jay Westbrook.**

**CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Odellia V. Robinson.**

**CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones, Chairman; Clint Martin, Mark Rivera.**

**MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.**

**BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.**

**BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, \_\_\_\_\_, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.**

**CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; Paul Burik, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, Robert Keiser, Executive Secretary.**

**CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT**

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge Colleen C. Cooney	14A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Gerald F. Sweeney	13D
Judge Robert J. Triozzi	12A

Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailiff, Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, AUGUST 18, 1999

No. 4471

## CITY COUNCIL

WEDNESDAY, AUGUST 11, 1999

### The City Record

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**CECELIA R. HUFFMAN**

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

1998-2001

#### MONDAY

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

#### MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Sweeney, Chairman; Melena, Vice Chairman; Britt, Cintron, Johnson, Jones, O'Malley, Patmon, Polensek.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

#### MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

#### TUESDAY

9:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

#### TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

1:30 P.M.—**Legislation Committee:** Zone, Chairman; Johnson, Vice Chairman; Britt, Cimperman, Jackson, Rybka, Westbrook.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Lewis, Patmon, White.

10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White, Willis.

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

1:30 P.M.—**City Planning Committee:** Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Wednesday, August 11, 1999.

The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Sweeney, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Carmody, Konicek, Balraj, Patterson, Warren, Axelrod and Acting Directors Whitlow, Horvath, Langhenry, Owens, Sheperd, Dumas, Brown.

Absent: Mayor White and Directors Carter, Ricchiuto, Guzman, Jackson, Hudecek and Morrison.

The Chair dispensed with the Prayer and Pledge of Allegiance.

#### MOTION

On the motion of Councilman Gordon, the reading of the minutes of the last meeting was dispensed with and the journal approved.

#### COMMUNICATIONS

##### File No. 1382-99.

From Cleveland Landmarks Commission re: Regular Meeting Agenda - July 22, 1999. Received.

##### File No. 1383-99.

From the Office of Equal Opportunity re: MBEs/FBEs Deleted from OEO's Database Second Quarter, 1999. Received.

##### File No. 1384-99.

From the Office of Equal Opportunity re: Certified MBEs and FBEs

Reporting Period: Second Quarter, 1999. Received.

##### File No. 1385-99.

From the Department of Public Utilities re: Audit of Financial Statements for various divisions. Received.

##### File No. 1386-99.

From the Community Advisory Committees re: Quarterly Regular Update, July 21, 1999. Received.

##### File No. 1387-99.

From the Board of Building Standards and Building Appeals re: Public Hearing Agenda, Wednesday, August 4, 1999. Received.

##### File No. 1388-99.

From the Ohio Environmental Protection Agency re: Public Notice No. 99-08-017. Received.

##### File No. 1389-99.

From the Department of Port Control re: AIP Grant Award. Received.

##### File No. 1390-99.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-08010). Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 1391-99.

Re: New Application - 08131970010 - Bolton Square Hotel Co., d.b.a. Guest House Hotel, 9601 Euclid Avenue. (Ward 6). Received.

##### File No. 1392-99.

Re: New Application - 4289576 - Jime Corp., d.b.a. Shop 4 Less, 3228 West 65th Street. (Ward 17). Received.

##### File No. 1393-99.

Re: New Application - 9152984 - Union Beverage & Deli, Inc., d.b.a. Union Deli, 12408 Union Avenue. (Ward 3). Received.

##### File No. 1394-99.

Re: New Application - 0174157 - Amitel Colonial, Inc., d.b.a. Residence Inn, 527 Prospect Avenue. (Ward 13). Received.

##### File No. 1395-99.

Re: New Application - 0083455 - Airport Gardens Hotel, LTD LLC, d.b.a. Hilton Garden Inn, 4900 Emerald Court S.W. (Ward 20). Received.

##### File No. 1396-99.

Re: Transfer of Ownership Application - 7638494 - Sarry, Inc., 466 East 125th Street, first floor and basement. (Ward 10). Received.

##### File No. 1397-99.

Re: Transfer of Ownership Application - Dalal, Inc., d.b.a. Corner Store, 3175 West 84th Street, first floor. (Ward 18). Received.

**File No. 1398-99.**

Re: Transfer of Ownership Application - 0000437 - A. Avancini, Inc., 3258 West 32nd Street, first floor and basement. (Ward 14). Received.

**File No. 1399-99.**

Re: Transfer of Ownership Application - 9055615 - Thirteen Thousand Lorain Inc., d.b.a. Cornerstone Café, 13000 Lorain Avenue. (Ward 19). Received.

**File No. 1400-99.**

Re: Transfer of Ownership Application - 4509529 - Kathie A Needham, Inc., 2136 Broadview Road, first floor and basement. (Ward 15). Received.

**File No. 1401-99.**

Re: Transfer of Ownership Application - 0300140 - Aspinwall Market, Inc., d.b.a. Ten Market, 831 East 140th Street. (Ward 10). Received.

**File No. 1402-99.**

Re: Transfer of Ownership Application - 4470950 - Kann, Inc., 2523 Market Street, first floor, basement and patio. (Ward 14). Received.

**File No. 1403-99.**

Re: Stock Transfer Application - 5235615 - Little Eagle, Inc. dba Little Eagle, 3111 East 93rd Street. (Ward 4). Received.

**File No. 1404-99.**

From the Ohio Division of Liquor Control re: Proposed relocation of liquor agency contract. (Ward 7). Received.

**File No. 1405-99.**

From the Ohio Division of Liquor Control re: Proposed assignment of liquor agency contract. (Ward 12). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 1406-99.**

From the Department of Parks, Recreation and Properties re: Contract No. 54231, Maplewood Ball Diamond Complex Fence Improvements. Received.

**File No. 1407-99.**

From the Department of Port Control re: Contract No. Group "O" - 53199, Residential Sound Insulation. Received.

**File No. 1408-99.**

From the Department Public Utilities re: Contract No. 53206 A & B, Nerone & Sons, completed and accepted April 18, 1999. Received.

**COMMUNICATIONS**

**File No. 500-98-A.**

August 11, 1999

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.

We have before us the Mayor's Letter of March 16, 1998, wherein he names his appointment to the Community Relations Board:

Kathryn Hall  
Expires on March 31, 2002

The Mayor's Appointment Committee hereby recommends that

Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman  
Joseph J. Zone  
Odellia V. Robinson  
Martin J. Sweeney  
Patricia J. Britt

Received. Without objection Appointment approved. Yeas 18. Nays 0.

**File No. 1198-99-A.**

August 11, 1999

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointments Committee's consideration of the Mayor's Appointments to the Community Relations Board.

We have before us the Mayor's Letter of May 27, 1999, wherein he names his appointment to the Community Relations Board:

Edna Fuentes  
Expires on March 31, 2003

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman  
Joseph J. Zone  
Odellia V. Robinson  
Martin J. Sweeney  
Patricia J. Britt

Received. Without objection Appointment approved. Yeas 18. Nays 0.

**File No. 1201-99-A.**

August 11, 1999

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.

We have before us the Mayor's Letter of May 27, 1999, wherein he names his appointment to the Community Relations Board:

Jane Buckshot  
Expires on March 31, 2003

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman  
Joseph J. Zone  
Odellia V. Robinson  
Martin J. Sweeney  
Patricia J. Britt

Received. Without objection Appointment approved. Yeas 18. Nays 0.

**File No. 1205-99-A.**

August 11, 1999

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of

the Mayor's Appointments to the Fair Housing Review Board.

We have before us the Mayor's Letter of May 27, 1999, wherein he names his appointment to the Fair Housing Review Board:

John Nolan  
Expires on March 1, 2001

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman  
Joseph J. Zone  
Odellia V. Robinson  
Martin J. Sweeney  
Patricia J. Britt

Received. Without objection Appointment approved. Yeas 18. Nays 0.

**CONDOLENCES RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted by a rising vote:

**Res. No. 1488-99**—Adger Greene.  
**Res. No. 1489-99**—George Addison Paul, Sr.

**Res. No. 1490-99**—George A. Paul, Sr.

**Res. No. 1491-99**—Joseph Franklin Bell.

**Res. No. 1492-99**—Nathaniel Wilson, Sr.

**Res. No. 1493-99**—Roman F. Gruber.

**Res. No. 1494-99**—Theopolis "Buster" Stewart.

**Res. No. 1495-99**—Darnell Oliver, Jr.  
**Res. No. 1496-99**—Milton Slocum, Sr.

**CONGRATULATIONS RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted without objection:

**Res. No. 1497-99**—May Dugan Center.

**Res. No. 1498-99**—Pastor Merita D. White.

**Res. No. 1499-99**—Iris Jones.

**Res. No. 1500-99**—Elder Thomas A. Minor.

**Res. No. 1501-99**—Forest City Park Civic Association.

**Res. No. 1502-99**—Polish American Congress, Ohio Division.

**Res. No. 1503-99**—Vaclav and Miloslava Hyvnar.

**Res. No. 1504-99**—Annunciation Catholic Church.

**Res. No. 1505-99**—Detective Joseph Masilonis.

**Res. No. 1506-99**—Detective Robert Kuenzil.

**Res. No. 1507-99**—Luceille Fleming.

**Res. No. 1508-99**—Lillian Karina Goldsby.

**Res. No. 1509-99**—Concord Baptist Church — 25th Anniversary.

**Res. No. 1510-99**—Jarrett-Robinson-Terrell Family Reunion.

**Res. No. 1511-99**—Mt. Zion Congregational Church — 135th Anniversary.

**RECOGNITION RESOLUTIONS**

The rules were suspended and the following Resolutions were adopted without objection:

**Res. No. 1512-99**—Mexican Baseball Hall of Fame.

**Res. No. 1513-99**—Saturnino Orestes Arrieta Armas "Minnie" Minoso.

**Res. No. 1514-99**—Clifford Johnson, Jr.

**Res. No. 1515-99**—Negro League Baseball Players Association.

**Res. No. 1516-99**—Stanley Glenn.

**Res. No. 1517-99**—Bobby Avila.

**Res. No. 1518-99**—Vic Power.

**Res. No. 1519-99**—Robert F. Busbey.

**Res. No. 1520-99**—Father Vincent Caruso, O.de M.

#### WELCOME RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

**Res. No. 1521-99**—Miguel Hernandez Agosto.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1409-99.**

**By Councilman O'Malley.**

**An emergency ordinance authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Section 26 of the Charter of the City of Cleveland relating to the qualifications of Council members.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that it must be certified to the election authorities immediately for the question to appear at the general election to be held on November 2, 1999, and providing for the usual daily operation of a municipal department, now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council of the City of Cleveland hereby authorizes and directs the submission to the electors of the City of Cleveland at the general election to be held at the usual places of voting of said City on Tuesday, November 2, 1999, of a proposal to amend Section 26 of the Charter of the City of Cleveland to read as follows:

**Section 26. Qualifications of Council Members.**

**Members of Council shall be residents of the City and shall have resided in their respective wards for at least one year next preceding their election and shall have the qualifications of electors therein. Members of Council shall not hold any other public office or employment except that of notary public or member of State militia, and shall not be interested in the profits or emoluments of any contract job, work or service of the Municipality. Any member who shall cease to possess any of the qualifications herein required, or removes from their ward for reason other than reapportionment, shall forthwith forfeit his office, and such contract in which any member is or may become interested may be declared void by the Council. No member of the Council shall, except in so far as necessary in the performance of the duties of his office, directly or indirectly interfere in the conduct of the administrative department, or directly or indirectly take any part in the appointment, promotion or dismissal of any officer, or employee in the service of the City other than the officers or employees of Council.**

**Section 2.** That the foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the November 2, 1999 gen-

eral election shall become effective immediately upon its adoption.

**Section 3.** That the Clerk of Council is hereby authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

**Section 4.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 2, 1999 on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That the Clerk of Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper published in the City of Cleveland, with the first publication to be made at least fifteen (15) days prior to the general election to be held on November 2, 1999, as provided in Article XVIII, Section 9, of the Constitution of the State of Ohio, Section 731.211 of the Ohio Revised Code and Section 200 of the Charter of the City of Cleveland.

**Section 6.** That the ballot submitting the question of the adoption of the aforesaid amendment shall read as follows:

#### PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

A majority affirmative vote is necessary for passage.

Charter Section 26 permits members of Council to reside anywhere in the City of Cleveland. It requires, however, that if residing in their ward at the time of election, the member is removed from office if they remove themselves from the ward. Shall Section 26 of the Charter of the City of Cleveland be amended to require: members of Council reside in the City of Cleveland; reside in their respective wards; and that they must reside in their respective ward for at least one year immediately preceding their election?

**Section 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Director of Law; Committees on Legislation, Finance.

**Ord. No. 1410-99.**

**By Councilmen Polensek, Willis, Robinson and Johnson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of remediating erosion affecting water facilities in portions of the Euclid Creek Reservation, including repairing and maintaining affected water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, pursuant to Section 167 of the Charter of the City

of Cleveland, it is hereby determined to make the public improvement of remediating erosion affecting water facilities in portions of the Euclid Creek Reservation, including repairing and maintaining affected water mains, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 2.** That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 52 SF 225, Request No. 14039.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

**Ord. No. 1411-99.**

**By Councilmen Britt, Sweeney, Cintron, Cimperman, Dolan, Jackson, Jones, Lewis, Melena, O'Malley, Polensek, Robinson Westbrock, White, Willis and Zone.**

**An emergency ordinance to amend Section 535.051 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1524-95 passed January 29, 1996, relating to additional eligibility for special Homestead rates.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That Section 535.051 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1524-95, passed January 29, 1996, is hereby amended to read as follows:

**Section 535.051 Additional Eligibility for Special Homestead Rates**

(a) In addition to those homesteads eligible for the special homestead rates prescribed by division (f) of Section 535.04, and divisions (f) (1), (f) (2), and (f) (3) of Section 535.05, homesteads owned by a person sixty-five years of age or older or permanently and totally disabled whose total annual income does not exceed **Twenty Three Thousand Dollars (\$23,000.00)** may be eligible for the special homestead rate established for the service district in which the homestead is located pur-

suant to Sections 535.04 and 535.05 of these codified ordinances.

(b) The Director of Public Utilities shall prescribe the application form for the homestead rate and have final approval of all applications.

**Section 2.** That existing Section 535.051 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1524-95, passed January 29, 1996, is hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Legislation, Finance.

**Ord. No. 1412-99.**

**By Mayor White.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 510.01 to 510.17 and 510.99 thereof, relating to Right-of-Way Permits.**

Whereas, the City of Cleveland holds the rights-of-way of the City in trust for the citizens of the City; and

Whereas, the City of Cleveland is vitally concerned with the use of the rights-of-way in the City as a valuable and limited resource which must be maintained and protected for the public use in a safe and efficient manner, and managed to promote the public health, safety, and welfare, including the economic development of the City; and

Whereas, changes in the public utility, communications and other industries have increased the demand and need for access to the right-of-way and placement of facilities and structures in the right-of-way; and

Whereas, it is necessary to appropriately administer the impact of access to the right-of-way to promote efficiency, discourage uneconomic duplication of facilities, lessen the public inconvenience arising out of uncoordinated work in the right-of-way, and promote public safety and welfare; and

Whereas, the City has the authority under the laws and Constitution of the State of Ohio, including Article 18, Sections 3 and 4, to exercise powers of local self-government, exercise police power and to regulate the impact of use of the right-of-way within its municipal boundaries; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by adding new Sections 510.01 to 510.17 and 510.99 thereof and to read, respectively, as follows:

**CHAPTER 510  
RIGHT-OF-WAY PERMITS**

**Section 510.01 Definitions**

As used in this Chapter:

(a) "Applicant" means any person applying for a Right-of-Way Permit.

(b) "Best efforts" means the best reasonable, commercially practicable efforts under the circumstances, taking into consideration, among other appropriate matters, all applicable laws, regulations, technology, human resources and cost.

(c) "Director" means the Director of Public Service or the Director's designee, unless otherwise stated in this chapter.

(d) "Force Majeure" means a strike, boycott, labor dispute, embargo, act of nature, act of public enemy, order of any kind of government of the United States or of the State of Ohio or any of their departments, agencies, or political subdivisions; riot, epidemic, landslides, lightning, earthquake, fire, tornado, storm, flood, sabotage, civil disturbance, explosion, or any other cause or event not reasonably within the control of the party disabled by the Force Majeure, but only to the extent that the disabled party notified the other party as soon as practicable regarding the Force Majeure and then for only so long as and to the extent that the Force Majeure prevents compliance with the provisions of this chapter.

(e) "Franchise Agreement" means a written franchise agreement entered into by the City pursuant to the Charter of the City of Cleveland and accepted by any person, pursuant to which such person may operate or provide natural gas, electric, cable television, communication or other utility services to consumers within the City.

(f) "General Right-of-Way Permit" shall have the meaning set forth in division (b)(1) of Section 510.03.

(g) "Governmental Function" means a function of the City which is classified as governmental under Ohio law, and shall include, but not be limited to: (i) the provision of street lighting, (ii) the provision of sewer utility service, and (iii) the provision of any other City utility service to the extent such other City utility service is provided to City-owned facilities.

(h) "Gross Revenues" means a reasonable estimation of all cash, credit, property of any kind or nature, or other consideration received directly or indirectly by a permittee arising from or attributable to the sale or exchange of services within the City in any way derived from the operation of its facilities in or use of the rights-of-way; provided, however, that "Gross Revenues" does not include revenues arising from services which, in the case of telecommunications services, neither terminate or originate within the City, or in the case of all other services, are not consumed or used within the City.

(i) "Permittee" means any person issued a Right-of-Way Permit pursuant to this chapter to use or occupy all or a portion of the right-of-way in accordance with the provisions of this chapter and the Right-of-Way Permit.

(j) "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit.

(k) "Proprietary Function" means a function of the City which is not classified as a governmental function.

(l) "Public Property" means any real property and personal property owned by the City or easements held or used by the City, other than a right-of-way.

(m) "PUCO" means the Public Utilities Commission of Ohio.

(n) "Residential Purposes" means residential use of the right-of-way, including such uses as mailboxes, trees, decorative purposes or any curb cuts and driveways, and as may be further defined in the Rules and Regulations.

(o) "Right-of-Way" and "Rights-of-Way" mean the surface of and the space above and below the paved or unpaved portions of any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, and any other land used in a manner so as to be the functional equivalent of the foregoing if designated by the Director for the same, now or hereafter held by the City. "Right-of-Way" shall not include public property, except to the extent the use or occupation is specifically granted in a Right-of-Way Permit, or private easements.

(p) "Right-of-Way Permit" means the non-exclusive grant of a General or Special Right-of-Way Permit to use or occupy all or a portion of the right-of-way granted pursuant to this chapter.

(q) "Right-of-Way Related Costs" means the total costs to the City of managing, maintaining, planning and administering the right-of-way relating to the use of the right-of-way by permittees, including any costs of joint planning, enforcement of this chapter, and related costs and overhead, including but not limited to an appropriate allocation of the costs of any geographic information systems utilized by the City.

(r) "Rules and Regulations" means any rule or regulation adopted by the Director pursuant to division (d) of Section 510.02, for the purpose of carrying out the purpose and intent of this chapter.

(s) "Street Opening Permit" means a permit to open or excavate the right-of-way, issued pursuant to Chapter 503 of the Codified Ordinances.

(t) "Special Right-of-Way Permit" shall have the meaning set forth in division (b)(2) of Section 510.03.

**Section 510.02 Purpose and Scope of Chapter**

(a) The purpose of this chapter is to provide for the management and administration of the use or occupation of the rights-of-way within the City to further the policies of the City delineated in division (e) of this section, including the issuance of Right-of-Way Permits to persons for such use or occupancy.

(b) A Right-of-Way Permit issued pursuant to this chapter does not relieve the permittee of any obligation to obtain a franchise, license, encroachment permit, street opening permit or other permit which may be additionally required by the City, including any required by the following Chapters of the Codified Ordinances:

(1) Chapter 503 relating to street openings and maintenance.

(2) Chapter 508 relating to sidewalk occupancy for vendors in the Central Business District.

(3) Chapter 523 relating to electrical poles.

(4) Chapter 670B relating to pay telephones.

(5) Chapter 675 relating to peddlers and produce dealers.

(6) Chapter 680 relating to newspaper boxes.

(7) Chapter 3105 relating to building permits.

(8) Chapter 3109 relating to encroachments.

(9) Chapter 3123 relating to tent permits.

(c) Nothing in this chapter shall relieve permittee from permittee's obligation to comply with all applicable federal, state and City laws, including the obligation to obtain any and all applicable licenses, permits or other authorizations necessary to the operation and conduct of its business or the occupation or use of the right-of-way. In the event of a conflict between the provisions of this chapter and other provisions contained in the Codified Ordinances, the provisions of this chapter shall govern. Should there be a direct conflict between the provisions in this chapter and the provisions contained in a franchise agreement, the provisions of the franchise agreement shall prevail; provided, however, that additional obligations shall not be construed as a conflict.

(d) The Director is hereby charged with the enforcement of the provisions of this chapter and is hereby authorized to adopt, promulgate and enforce Rules and Regulations relating to any matter or thing pertaining to use or occupation of the right-of-way and the administration and enforcement of the provisions of this chapter. Such Rules and Regulations shall become effective upon publication in the City Record. Failure or refusal to comply with any such Rules and Regulations shall be deemed a violation of this chapter.

(e) The City's management and administration of the use and occupation of the rights-of-way within the City is necessary:

(1) To preserve the right-of-way for the public health, safety, and welfare and to promote economic development in the City.

(2) To preserve the availability of a wide range of utility, communications, and other services, including the rapid deployment of new technologies and innovative services to the City's residents and taxpayers at a reasonable cost.

(3) To promote cooperation among permittees and the City in the use or occupation of the right-of-way, to minimize public inconvenience during right-of-way work, and to eliminate wasteful, unnecessary or unsightly duplication of facilities.

(4) To promote public safety and welfare and to preserve the rights-of-way.

(5) To ensure adequate public compensation for managing, administering and responding to the impacts resulting from the use of the right-of-way by the permittees.

(6) To promote and require reasonable accommodation of occupation or use of the right-of-way.

(7) To assure that applicants have the financial, technical, and managerial resources to comply with this chapter and the provisions of any Right-of-Way Permit issued under this chapter. For purposes of this chapter, an applicant possessing a valid certification from the PUCO for the services to be provided by the facilities subject to this chapter shall be presumed to possess the requisite financial, technical, and managerial resources, absent clear and convincing evidence to the contrary.

(e) Any Right-of-Way Permit granted under this chapter shall be non-exclusive. No property right of

any nature or power of eminent domain shall be created by the granting of a permit under this chapter.

(f) This chapter shall not apply to structures and facilities owned or operated as governmental functions by the City which occupy or use the right-of-way. Any governmental function of the City utilizing the right-of-way shall carry out its operations in a manner consistent with the policies set forth in this chapter, including participation and cooperation in joint planning under this chapter and identification of structures and facilities located in the right-of-way.

#### **Section 510.03 Permit Required**

(a) No person shall use, occupy, construct, own or operate structures or facilities in, under, or above any right-of-way within the City unless the person first obtains a Right-of-Way Permit and conforms to the requirements set forth in such permit and in this chapter.

(b) The following types of Right-of-Way Permits may be issued by the Director for the following terms:

(1) General Right-of-Way Permit A Right-of-Way Permit granted to a person to use or occupy the right-of-way, whether above ground, at the surface or underground, for facilities for business purposes including, but not limited to, the provision of utility, cable television, communications, transportation, or other services to the City, its residents and taxpayers. The term of a General Right-of-Way Permit shall be ten (10) years from the date of issuance, or such lesser term as the applicant may request.

(2) Special Right-of-Way Permit A Special Right-of-Way Permit granted to a person for a specific, limited use or occupation of the right-of-way or a specific portion of the right-of-way. A Special Right-of-Way Permit shall not be available to any person for use of more than one quarter (1/4) mile of right-of-way. A Special Right-of-Way Permit may be granted for use of any amount of the right-of-way to agencies, departments and divisions of the United States, the State of Ohio and political subdivisions of the State of Ohio other than the City.

A. Regular Special Right-of-Way Permit The term of a Regular Special Right-of-Way Permit shall be three (3) years from the date of issuance, or such lesser term as the applicant shall request.

B. Temporary Special Right-of-Way Permit The term of a Temporary Special Right-of-Way Permit shall be thirty (30) days from the date of issuance, or such lesser term as the applicant may request.

(c) Each Right-of-Way Permit shall specify the purpose for which it is issued and shall contain such other terms and conditions as are required by this chapter, the Rules and Regulations, and as deemed appropriate by the Director.

#### **Section 510.04 Exemptions**

No Right-of-Way Permit shall be required for the following uses:

(a) Residential Purposes, as defined by this chapter.

(b) Sidewalk occupancy permits for vendors in the Central Business District issued pursuant to Chapter 508 of the Codified Ordinances.

(c) Placement of pay telephones pursuant to Chapter 670B of the Codified Ordinances.

(d) Permits for peddlers and produce dealers pursuant to Chapter 675 of the Codified Ordinances.

(e) Placement of newspaper dispensing devices pursuant to Chapter 680 of the Codified Ordinances.

(f) Tent permits issued pursuant to Chapter 3123 of the Codified Ordinances.

(g) Street opening permits issued pursuant to Chapter 503 of the Codified Ordinances.

(h) Bus shelter permits authorized by ordinance passed by City Council.

(i) Encroachment permits authorized by ordinance passed by City Council.

(j) Governmental functions of the City.

#### **Section 510.05 Application Procedure**

(a) An application for a Right-of-Way Permit, or an amendment or renewal of an existing permit, shall be filed in the form and manner prescribed by the Director, and shall include the following information, as applicable, and such other information required by the Director:

(1) The applicant's name, address, telephone number, and federal tax identification number or Social Security number.

(2) The name, address, and telephone number of the person on whom a notice, order or service of process may be served on behalf of the applicant.

(3) The name, address, and telephone number of a 24-hour emergency contact for the applicant.

(4) Information regarding the applicant's financial, managerial and technical ability to fulfill its obligations under this chapter or a valid certificate of convenience and necessity or the equivalent thereof from the PUCO for the services to be provided by the facilities covered by the permit.

(b) In addition to the information supplied pursuant to division (a) of this section, an applicant for a General Right-of-Way Permit shall supply the following information for any installation anticipated to be installed within six (6) months of the application for the permit and an applicant for a Special Right-of-Way Permit shall supply the following information for the installation for which the permit is sought:

(1) Drawings, plans, and specifications, submitted on paper or in electronic format compatible with the City's Geographic Information System ("GIS"), or in an alternative format acceptable to the Director, in sufficient detail to demonstrate:

A. The location of each proposed component of the applicant's installation including the location, size, and depth of each conduit, duct, duct bank, or the location of cable within leased conduit space, the location of each pole, pole attachment, and the route of each overhead cable, and the size and location of any other installations proposed by the applicant. Maps submitted on paper shall use a scale of not less than 1" = 200'.

B. The location and route of any facilities to be installed on existing utility poles.

C. The location and route of any facilities to be located under the surface of the ground, including the line and grade proposed for the burial at all points, as well as the location of all existing underground utilities, conduit, ducts, pipes,

mains, and installations within ten (10) feet of the proposed installation.

D. The location and position of any facilities to be located on the surface of the right-of-way.

E. The construction methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way.

F. The location, dimension, and types of trees within or adjacent to the right-of-way, together with a plan for protecting, trimming, removing, replacing, and restoring any trees to be disturbed.

G. A certificate from a registered professional engineer, stating that the drawings, plans, and specifications comply with all applicable technical codes, rules and regulations unless such certificate is waived in writing by the Director.

**Section 510.06 Criteria for Permit Issuance; Transfers**

(a) A Right-of-Way Permit shall be granted to an applicant upon a determination that:

(1) The application is complete and in compliance with this chapter and the Rules and Regulations.

(2) The issuance of the permit will be consistent with the policy of the City as set forth in Section 510.02.

(3) The applicant is not delinquent on any taxes or other obligations to the City and has the requisite financial, managerial and technical ability to fulfill its obligations under this chapter.

(4) The permittee furnishes a certificate of liability insurance in the amount of One Million (\$1,000,000.00) or such other reasonable amount as the Director may determine. The certificate shall name the City as an additional insured on the policy. In the alternative, a permittee with net capitalization of Ten Million Dollars (\$10,000,000.00) or more may apply to the Director, in the manner prescribed in the Rules and Regulations, for the Director's approval to self-insure.

(b) The Director shall determine if the application is complete within thirty (30) days after its receipt. If incomplete, the Director may request additional information. After receiving a complete application, the Director shall circulate the application to the Director of Public Utilities, the Director of Public Safety, and the Director of Finance, or their designees, who shall have thirty (30) additional days to provide comment to the Director of Public Service, including recommendations as to whether the permit should be granted and upon what terms and conditions.

(c) The Director of Public Service, within sixty (60) days after receipt of the complete application, shall issue or deny the permit. A denial shall be accompanied by a statement of the applicant's right to appeal, pursuant to Section 510.12.

(d) Right-of-Way Permits and the rights of a permittee are not transferable without the prior written approval of the Director following written request by the permittee. The request shall set forth the information required in Section 510.05, including evidence that the proposed transferee has the financial, technical, and managerial resources to comply with the obligations of this chapter and the Right-of-Way Permit. The request shall be granted if the request is complete and the

transferee has demonstrated sufficient financial resources. In making this determination, a proposed transferee shall be presumed to possess the requisite financial, technical, and managerial resources if the transferee possesses a valid certification from the PUCO for the services to be provided by the facilities subject to this chapter, unless otherwise shown by clear and convincing evidence. Transfer to affiliates under common ownership and control of the permittee shall not require formal approval, so long as the Director is provided with thirty (30) days' prior written notice of the proposed transfer.

**Section 510.07 Obligations of Permittees**

(a) In addition to the other requirements set forth in this chapter and in the Rules and Regulations, each permittee shall:

(1) Within six (6) months of the issuance of permittee's initial a General Right-of-Way Permit, or such additional time as may be granted by the Director in response to a written request from the permittee detailing the need for additional time, supply the information detailed in division (b) of Section 510.05 for all existing facilities owned by permittee within the right-of-way in the manner prescribed in the Rules and Regulations.

(2) Supply the information detailed in division (b) of Section 510.05 for all new facilities which are owned by permittee and are constructed or installed in the right-of-way during the term of the General Right-of-Way Permit, either at the time of applying for a street opening permit pursuant to Chapter 503 of the Codified Ordinances for such construction or installation or within thirty (30) days of the completion of the construction or installation of such new facilities in the manner prescribed in the Rules and Regulations.

(3) Use best efforts to cooperate with the City and other permittees to achieve the most efficient, aesthetic, and least obtrusive use of the right-of-way, consistent with safety, engineering and business practices and to minimize excavations and other disruptions of traffic.

(4) Participate in joint planning, construction, and advance notification of scheduled right-of-way work, as may be required by the Rules and Regulations, or as may be requested by the Director. Joint planning shall not require the exchange or provision of trade secrets or competitively sensitive materials or information.

(5) Reasonably cooperate with other permittees in utilization of, construction in, and occupancy of private rights-of-way or easements within the City, but only to the extent the same is consistent with the grant thereof, and is not unduly burdensome to any property owner or to the permittee. Nothing in this division (a)(5) shall be construed to require the expenditure of funds or rearrangement of facilities by a permittee without fair compensation.

(6) Upon reasonable notice of not less than sixty (60) days, or less in the case of an emergency threatening the public health, safety or welfare, and at the direction of the Director, at the permittee's sole cost, promptly remove, relocate, rearrange or reconfigure facilities

as necessary: (i) during any construction, repair or modification of any street, sidewalk or other public improvement by the City; (ii) to accommodate a determination by the Director that facilities should be located underground or occupy only one side of a right-of-way but only to the extent such determination is consistent with applicable law, reasonable, commercially practicable, and a part of an overall improvement or beautification plan or project; (iii) if an additional or subsequent governmental or other public use of the right-of-way is inconsistent with the then-current uses of such permittee; or (iv) for any other lawful cause.

(7) Cooperate with the City in any emergencies involving the right-of-way.

(8) No later than January 1, 2002, place tags using distinct identification on all structures and facilities in the right-of-way in accordance with applicable Rules and Regulations.

(b) A permittee shall perform all work, construction, maintenance or removal of structures and facilities within the right-of-way, including tree trimming, in accordance with good engineering and construction practice, in conformity with all applicable laws, codes and regulations, including, but not limited to, applicable safety codes. A permittee shall repair or replace any street, curb, or other portion of the right-of-way in a manner conforming to the standards set forth in the Rules and Regulations. Such standards shall require permittees to restore affected portions of the right-of-way to a condition not less than materially equivalent to its condition prior to such work and in a manner which minimizes any inconvenience to the public, the City and other permittees.

(c) As a condition of issuance of a General Right-of-Way Permit, all persons holding such a permit are encouraged to overbuild the installation of ducts and conduit in the right-of-way and to make the overbuilt facilities available to the City or third parties upon request at a reasonable rental charge and on a nondiscriminatory basis. The use or occupation of the right-of-way by any person using the overbuild facilities shall be governed by the provisions of this chapter.

(d) In the event it is necessary to move, remove, relocate or reconfigure temporarily any of the permittee's wires, cables, poles, or other above-ground facilities in the right-of-way, in order to move a large object, vehicle, building or other structure over the streets of the City, permittee shall, on 30 days' written notice by the Director, and at the expense of the person requesting the temporary removal or relocation of such facilities, comply with the Director's notice, provided that the permittee's expense has been reasonably secured by the person so requesting.

**Section 510.08 Permit Fees; Auditing**

(a) The following fees represent a reasonable allocation of Right-of-Way Related Costs, and shall be paid by each applicant or permittee, whether for an initial permit, or for a renewal, to the Director as a permit fee:

(1) For Special Right-of-Way Permits, the fee shall be One Hundred Dollars (\$100) per surface



location, plus Two Hundred Dollars (\$200) per sheet for maps submitted in electronic GIS compatible format, or Five Hundred Dollars (\$500) per sheet for maps submitted on paper.

(2) A. For General Right-of-Way Permits, permittee shall pay an annual fee, for each calendar year based upon either:

1. the miles of right-of-way which the permittee occupies and desires to occupy in said calendar year as follows:

- a. for the first mile, or any part thereof, (0-1) . . . . . \$15,000.00;
- b. plus, for the next nine (9) miles, or any part thereof (1-10), an additional . . . . . \$11,250.00;
- c. plus, for the next ninety (90) miles, or any part thereof (11-100), an additional . . . . . \$30,000.00;
- d. plus, for the next four hundred (400) miles, or any part thereof (101-500), an additional . . . . . \$93,750.00;
- e. plus, for all uses over five hundred (500) miles, an additional . . . . . \$150,000.00; or

2. one percent (1%) of the permittee's gross revenues for the prior calendar year.

B. Each permittee electing to pay the fee based upon the number of miles in the right-of-way as provided in division (a)(2)A.1. of this section, shall make quarterly payments to be made on or before March 31, June 30, September 30 and December 31 of the calendar year.

C. Each permittee electing to pay the fee based upon a percentage of permittee's gross revenues as provided in division (a)(2)A.2. of this section, shall make estimated quarterly payments to be made on or before the same dates identified in division (a)(2)B. of this section, based upon the permittee's gross revenues for the corresponding quarter for accompanied by a statement of an independent certified public accountant attesting to the reasonableness of the methodology used for the estimation of the gross revenues upon which the payment was based.

D. Each permittee shall, at its sole option, at the time permittee's first payment is due for permittee's first payment, and thereafter for each renewal, elect in writing on of the fee options contained in division (a)(2)A. of this section. Such election shall not be changed for the balance of the term of said permittee's permit.

E. Each General Right-of-Way Permittee shall maintain books, records, maps, documents and other evidence directly pertinent to its calculation of payments to the City. The Director, the Director of Finance or either's designee shall have reasonable access to any books, records, maps, documents and other evidence for inspection, copying and audit to the extent necessary to assure that the payments to be made pursuant to this section are accurate and that all right-of-way permittees fully comply with the provisions of this chapter and their respective Right-of-Way Permits.

F. The fees specified in division (a)(2)A. of this section may be increased by the Director, subject to approval by the Board of Control, effective on January 1, 2001, provided, however, that:

1. the total revenue generated by all of the fees for Right-of-Way Permits does not exceed the City's right-of-way costs;

2. any increase in such fees is no greater than a cumulative five percent (5%) per year annual increase above the annual fee in the year 2000, or the annual fee during the year in which the fee was last increased, whichever is later; and

3. the cumulative impact of all increases to the fees by the Director shall not be greater than twelve percent (12%) above the amount of the fees contained in this section.

(b) The United States, State of Ohio, political subdivisions of the State other than the City and their agencies, departments and divisions shall be exempt from the provisions of this Section 510.08.

(c) A holder of a written franchise agreement for the use and occupation of the right-of-way shall be entitled to receive a credit in the amount of any franchise fee paid annually to the City against the permit fee otherwise payable pursuant to division (a)(1) of this section. In addition, the holder of a franchise agreement for cable television service which provides for the use and occupation of the right-of-way shall not be required to pay that portion of the permit fee otherwise payable pursuant to division (a)(1) of this section which, when added to the annual cable franchise fee paid to the City by permittee, exceeds the maximum annual limit for cable franchise fees fixed by federal law.

(d) Each Right-of-Way Permittee shall maintain books, records, maps, documents, and other evidence directly pertinent to its calculation of payments to the City. The Director, the City's Director of Finance, or either's designated agents shall have reasonable access to any books, records, maps, documents, and other evidence for inspection, copying, and audit to the extent necessary to assure that the payments made are accurate and that all Right-of-Way Permittees fully comply with this chapter and their permits.

**Section 510.09 Indemnity; Insurance**

(a) Each permittee shall, as a condition of the permit, indemnify, protect, and hold harmless the City from any claim, loss, or damage arising in any way from the permittee's occupation or use of the right-of-way, or from the actions of any contractor, subcontractor or agent of the permittee, including but not limited to the construction, operation, or maintenance of permittee's facilities, and from the permittee's negligent or wrongful acts or omissions excluding, however, claims to the extent they are caused by the City's negligence or willful misconduct. This section shall not be deemed to affect the City's immunity from liability for any act or negligence, as allowed by law.

(b) Each permittee, as a condition of the permit, shall keep in force a policy or policies of liability insurance in the amount of One Million Dollars (\$1,000,000.00), or such other reasonable amount as the Director may determine, covering its facilities and operations pursuant to its permit. The City shall be named as an additional insured on each policy.

(c) A permittee maintaining a net book value in excess of Ten Million Dollars (\$10,000,000.00) may submit a letter evidencing self-insurance in lieu of providing a policy of insurance.

**Section 510.10 Removal of Facilities**

(a) Any Right-of-Way Permittee intending to discontinue use of and abandon any facilities within the right-of-way shall submit a written notice to the Director describing the portion of the facilities to be discontinued and abandoned, any plan for securing the same, and the proposed date of abandonment, which shall not be less than ninety (90) days after the date of the notice. A permittee shall not abandon the facilities without this notice. The permittee shall remove or secure the facilities in accordance with accepted safety and engineering practices, as required by the written order of the Director.

(b) Facilities that have not been in use for their original purpose for a period of one (1) year may be presumed to be abandoned by the Director. Upon written notice from the Director, Permittee shall have ninety (90) days in which to remove the abandoned structure, re-activate the structure and bring it into compliance with this chapter and the Rules and Regulations, transfer ownership to another party who shall bring it into compliance with this Chapter, or identify for the Director the reasons why the structure has not been abandoned and is needed for future use by permittee.

(c) Should any permittee fail, after notice, to remove or rearrange facilities at the Director's request as specified in division (a)(6) of Section 510.07 or comply with the Director's order pursuant to this section, the City may, at its option and in addition to the imposition of any penalties or other remedies contained in the Codified Ordinances, undertake or cause to be undertaken, any reasonable action necessary to remove, secure, or rearrange the facilities. The City shall have no liability for any damage to permittee's facilities caused by such action and the permittee shall be liable to the City for all reasonable costs incurred by the City in such action.

**Section 510.11 Revocation**

(a) In addition to any other rights set out in this chapter, the City reserves the right to revoke any Right-of-Way Permit in the event that the permittee violates any material provision of this chapter or its Right-of-Way Permit.

(b) The Director shall provide permittee thirty (30) days' prior written notice of an intent to revoke a Right-of-Way Permit. The notice shall state the reasons for the proposed action. If the permittee cures the violation or other cause within the 30-day notice period, or if the permittee initiates efforts satisfactory to the Director to remedy the stated violation, the Director shall rescind the notice of proposed revocation. If the permittee does not cure the stated violation or cause or undertake efforts satisfactory to the Director to remedy the stated violation, the Director may revoke the permit. The final notice of revocation shall state the permittee's appeal rights pursuant to Section 510.12.

(c) Unless otherwise permitted by the Director or required by law, if a Right-of-Way Permit is revoked, all facilities located in the right-of-way or located upon public property pursuant to the permit shall be promptly removed at the sole expense of the permittee.

**Section 510.12 Appeals**

(a) An applicant or permittee may appeal the failure of the Director to issue a Right-of-Way Permit, the terms and conditions of a permit, the denial of a permit application or permit renewal application, the revocation of a permit, a notice of violation related to a permit, or other final City action or order taken regarding a Right-of-Way Permit or permit application.

(b) Appeals shall be made to the Board of Zoning Appeals. In order to perfect an appeal, the applicant shall file the appeal with the Board within ten (10) days after the Director's final action, or within seventy-five (75) days after the filing of an application on which the Director has taken no action. The Board shall review the matter and, after affording the applicant an opportunity to be heard, either in person or in writing, render a final determination within thirty (30) days after the filing of the appeal, unless such period is waived by the appellant. The Board's decision shall constitute a final order.

**Section 510.13 Reservation of Rights**

(a) Nothing in this chapter shall be construed so as to grant any right or interest in any right-of-way or public property other than the right or interest explicitly set forth in this chapter or in the Right-of-Way Permit.

(b) Nothing in this chapter shall be construed to prevent the City from constructing, operating, maintaining, repairing, or relocating any City-owned facilities in the right-of-way, including street lighting, communications or like facilities; or from grading, paving, maintaining, repairing, relocating or altering any street, public property or right-of-way; or constructing, maintaining, relocating, or repairing any sidewalk or other public work or improvement. To the extent that such work requires temporary or permanent relocation or rearrangement of any facilities or structures of any permittee, such relocating or rearrangement shall be accomplished at the sole cost of the permittee.

(c) Nothing in this chapter and no permit issued pursuant to this chapter shall limit the City's right under the Constitution or laws of the State to acquire by eminent domain or otherwise any or all property of any person that installs, places or maintains an improvement in the right-of-way.

(d) The City expressly reserves the right to terminate a permit at its option and to purchase all property of a permittee in the streets and public rights-of-way for fair market value. If the parties cannot agree upon fair market value, the purchase price shall be determined as if the City had pursued a condemnation proceeding.

**Section 510.14 PUCO Regulations**

Nothing in this chapter shall be read so as to limit the authority of the PUCO to regulate utilities, telecommunications providers and other entities under the jurisdiction of the PUCO within the City of Cleveland.

**Section 510.15 Foreclosure and Receivership**

A permittee shall promptly notify the Director in writing of the fil-

ing of any voluntary or involuntary petition under the Bankruptcy Act by or against the permittee, or any action for foreclosure or other judicial sale of the permittee's facilities located within the right-of-way.

**Section 510.16 Nonenforcement and Waivers by City**

The permittee shall not be relieved of any obligation to comply with a Right-of-Way Permit or this chapter by reason of any failure of the City to enforce prompt compliance therewith.

**Section 510.17 Right-of-Way Revolving Fund**

There is hereby created the Right-of-Way Revolving Fund within the Treasury of the City. All fees collected pursuant to this chapter shall be deposited in the Fund and expended solely for the purposes of administering and enforcing this chapter, maintaining and improving the right-of-way, and maintaining a computerized Geographic Information System for the City. The Fund may be supplemented by gifts and by further appropriations from the General Fund.

**Section 510.99 Penalties**

(a) A person who violates any part of this chapter, the Rules and Regulations or any permit condition shall be fined a mandatory Five Hundred Dollars (\$500.00) for a first offense and a mandatory One Thousand Dollars (\$1,000.00) for a second or subsequent offense. Each day the violation continues shall be deemed a separate offense.

(b) The City may enforce this chapter in civil or criminal proceedings, and may seek injunctive relief to require specific performance with the provisions of this chapter or a permit issued under this chapter.

(c) Any permittee may be excused for violation of this chapter and its Right-of-Way Permit due to Force Majeure.

**Section 2.** That new Sections 510.01 through 510.17 and 510.99 of the Codified Ordinances of Cleveland, Ohio, 1976, shall be effective on the effective date of this ordinance, provided, however, that applications for General Right-of-Way Permits for facilities in existence in the right-of-way on the effective date of this ordinance shall be filed on or before November 1, 1999 and any General Right-of-Way Permits issued by the Director based upon such applications shall be effective January 1, 2000, notwithstanding the date on which the permit is issued.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Public Service, Public Safety, City Planning Commission, Finance, Law; Committees on Public Utilities, Public Service, Public Safety, City Planning, Finance.

**Ord. No. 1413-99.**

**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair elevators, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to maintain and repair elevators in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3988)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 1414-99.**

**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, provide and install a comprehensive security system, including maintenance and training; authorizing the purchase by contract of labor and materials necessary to provide and install fencing, gates, barriers, and related items for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to employ by contract one or more security consultants or one or more firms of security consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, provide and install a comprehensive security system, including training, and/or to provide system maintenance for up to four (4) years, for the Divisions of Water, Cleveland Public Power and Water Pollution Control.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 2.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to provide and install fencing, gates, barriers and related items necessary for the security system authorized herein, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

**Section 3.** That the agreements authorized herein may be in the form of a purchase, lease for a term not to exceed five (5) years, or lease for a term not to exceed five (5) years with an option to purchase exercisable by the Director of Public Utilities.

**Section 4.** That the cost of said contract or contracts hereby authorized shall initially be paid from Fund No. 52 SF 001, Request No. 14037. Each division of the Department of Public Utilities shall reimburse said fund for the division's proportionate share of the entire project.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 1415-99.**

**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair water mains and appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3990)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 1416-99.**

**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of hydraulic testing equipment, internal pipeline inspection system and leak detection and location system, for the Division of Water, Department of Public Utilities.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: hydraulic testing equipment, internal pipeline inspection system and leak detection and location system, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 3989.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 1417-99.**

**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to modify and maintain a trac-vac residuals collection system, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to modify and maintain a trac-vac residuals collection system at the Garrett A. Morgan Water Treatment Plant in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 14038)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 1418-99.**  
**By Councilmen Cimperman, Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into a lease agreement with the United States of America for certain space at Burke Lakefront Airport for use by the Federal Aviation Administration and authorizing the City to provide certain services to said leased space for a period of one year with ten one-year options to renew.**

Whereas, the United States of America desires to lease certain space in the Air Traffic Control Tower at Burke Lakefront Airport from the City for use by the Federal Aviation Administration as an office and an air traffic control tower facility and to obtain certain services therefor; and

Whereas, the City desires to lease said space and provide said services to the United States of America in furtherance of its public purpose of providing facilities and services in aid of air transportation safety; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary notwithstanding, the Director of Port Control is hereby authorized to enter into a lease agreement leasing to the United States of America ("Government"), for use by the Federal Aviation Administration ("FAA"), approximately 3,391 square feet of space located on the second through fifth floors of the Air Traffic Control Tower Building at Burke Lakefront Airport for use as an office and an air traffic control tower for FAA operations.

The initial term of said lease shall commence October 1, 1998, and shall end September 30, 1999, with an option in the Government to renew said lease annually for ten (10) additional one-year terms unless it gives thirty (30) days notice that it will not exercise its option, provided that no renewal shall extend the term of the lease beyond September 30, 2009. Said lease shall provide that in consideration of that portion of rent identified herein as Cost of Services, the City shall furnish to the lease premises an adjacent toilet facility, janitorial service, heat and air conditioning. Other utility services, excluding telephone, shall be furnished free of charge. The City shall be responsible for maintenance of the air conditioning equipment.

**Section 2.** That the Government shall pay rental for the initial and any renewal terms of \$31,180 per year, including any and all option years.

The Cost of Services shall be subject to re-negotiation by either party upon thirty (30) days written notice prior to September 30 of each lease year.

**Section 3.** That the Director of Port Control is further authorized to execute such supplemental agreements as are necessary to effect the aforesaid renewals and, subject to the prior approval of the Board of Control, such other supplements as the parties may deem desirable. The lease agreement and any supple-

ments thereto shall be approved by the Director of Law prior to the execution by the Director of Port Control.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 1419-99.**  
**By Councilmen Sweeney, Westbrook and Johnson (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of constructing roadway modifications to the West Hangar Road at Cleveland Hopkins International Airport, including all site improvements and appurtenances necessary and incidental; authorizing said director to enter into contract for the making of the improvement; and to employ one or more architects or engineers necessary to design the improvement.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing roadway modifications to the West Hangar Road at Cleveland Hopkins International Airport, including all site improvements and appurtenances necessary and incidental thereto, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the Director of Port Control is hereby authorized to employ by contract one or more architects or engineers one or more firms of architects or engineers necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for design services, preparation of plans and specifications necessary to implement the public improvement authorized by this ordinance.

That the selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified

consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract or contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 4.** That the costs of all the contracts authorized herein shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 8219.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

**Ord. No. 1420-99.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into a Second Amendment to Lease By Way of Concession between the City of Cleveland and IMG Motorsports-Cleveland, Inc., City Contract No. 53213, to allow them to extend the term of the Lease and modify other conditions of the Lease.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Port Control is hereby authorized to enter into a Second Amendment to Lease By Way of Concession ("Lease") between the City of Cleveland and IMG Motorsports-Cleveland, Inc. ("Lessee"), City Contract No. 53213, to allow the City to extend the term of the Lease by two (2) years, to expire in 2004. The rent for years 2000-2002 shall be as follows:

Year	Rent
2000	\$75,000
2001	\$80,000
2002	\$85,000

Rent for the years 2003 and 2004 shall be negotiated and agreed upon by the Director of Port Control and Lessee in 2002; such rental amounts shall not be less than \$100,000 per year.

The Gross Revenue Threshold for the years 2000-2002 shall be as follows:

Year	Gross Revenue Threshold
2000	\$4,320,000
2001	\$4,400,000
2002	\$4,470,000

Such Gross Revenue Thresholds shall be subject to reduction to reflect any costs lower than \$400,000 to stage a NASCAR truck or similar support race event.

The Gross Revenue Threshold for the years 2003 and 2004 shall be negotiated and agreed upon by the Director of Port Control and Lessee in 2002; such thresholds shall be set at levels where, based upon historical performance of the race event, the City will actually receive a share of gross revenues.

The terms of the amendment are premised on the Grand Prix sanction fee in 2000-2002 not exceeding \$1,650,000. If said sanction fee exceeds \$1,650,000 for any year 2000-2002, the Director of Port Control shall determine in good faith whether a further amendment to the Gross Revenue Threshold is necessary.

If at any time during the term of the Lease, or within one year of termination of the Lease, the modifications to the runways at Burke Lakefront Airport necessary to permit an oval track are no longer needed for the race event, Lessee will, if requested by the City and at no cost to the City, restore the runways and airfield to their original condition.

**Section 2.** That said amendment shall be prepared and approved by the Director of Law and shall contain such other terms and provisions as the Director of Law deems necessary to protect and benefit the public interest.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 1421-99.**  
**By Councilman Cimperman (by request).**

**An emergency ordinance to change the name of Alpha Court S.E. to "Benjamin Rose Court S.E."**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the name of that portion of Alpha Court S.E. (15.00 feet wide) extending between the Easterly line of East 8th Street (16.00 feet wide) to the Westerly line of East 9th Street (99.00 feet wide), be changed to "Benjamin Rose Court S.E."

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 1422-99.**  
**By Councilman Cimperman (by request).**

**An emergency ordinance to change the name of Glass Avenue N.E. to "Lausche Avenue N.E."**

Whereas, Glass Avenue N.E. directly abuts the St. Vitus Church property, and the leadership of St. Vitus Church in the St. Clair/Superior Neighborhood is where the Lausche brothers were members for a significant part of their lives; and,

Whereas, in honor of the distinguished civic service by the Lausche brothers as Frank J. Lausche was the former Mayor of the City of Cleveland, the former Governor of the State of Ohio and the former United States Senator for the State of Ohio, and his brother, Harold J. Lausche, served the City of Cleveland as former Director of the Department of Parks, Recreation and Properties; and,

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the name of Glass Avenue N.E. (50.00 feet wide) extending from the Easterly line of East 60th Street (50.00 feet wide), Easterly to the Westerly line of East 64th Street (50.00 feet wide), be changed to "Lausche Avenue N.E."

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 1423-99.**  
**By Councilman Sweeney (by request).**

**An emergency ordinance to change the name of Cleveland Business Park Drive to "Cleveland Parkway S.W."**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the name of that portion of Cleveland Business Park Drive, (width varies) extending Easterly from the Easterly line of Rocky River Drive (width varies) to its Easterly terminus, is changed to "Cleveland Parkway S.W."

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 1424-99.**

**By Councilmen Sweeney, Zone and Johnson (by departmental request).**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 3103.111 thereof, relating to the authority of employees of the Service Department to ticket for failure to remove graffiti.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 3103.111 thereof, to read as follows:

**Section 3103.111 Ticketing by Employees of the Department of Public Service**

In addition to any other means of enforcement provided for in these Codified Ordinances, the Director of Public Service and his designees, when commissioned by the Director of Public Safety as special police, may enforce the minor misdemeanor offense contained in division (a) of Section 3103.11 through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, Finance, Law; Committees on Public Service, Legislation, Finance.

**Ord. No. 1425-99.**  
**By Councilmen Zone, Coats, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to execute an easement granting to Ameritech certain easement rights in property located at W. 117th Street and Linnet Avenue and declaring said easement rights no longer needed for public use.**

Whereas, Ameritech has requested the Director of Public Safety to convey certain easement rights in property located on W. 117th Street and Linnet Avenue, site of Fire Station No. 33; and

Whereas, Ameritech requires the easement rights for the purposes of constructing a controlled environment vault which will house remote electronic equipment needed to upgrade telecommunications and to allow for the deployment of fiber optics in the vicinity of the fire station; and

Whereas, the easement rights to be granted are no longer needed for public use; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that an easement interest in the following described property is no longer needed for public use:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 11:

Starting at the intersection of the Southerly line of Linnet Avenue, 50.00 feet wide, and the Westerly line of West 117th Street, 80.00 feet wide, as shown by The Crawford Land Co.'s Subdivision No. 3 of part of Original Rockport Township Section No. 11, recorded in Volume 64, Page 30 of Cuyahoga County Map Records;

Thence North 89° 15' 55" West along the said Southerly line of Linnet Avenue, 73.00 feet to the Principal Place of Beginning of the easement herein intended to be described;

Thence South 0° 44' 05" West, perpendicular to the said Southerly line of Linnet Avenue, 20.00 feet;

Thence North 89° 15' 55" West, parallel with the said Southerly line of Linnet Avenue, 25.00 feet;

Thence North 0° 44' 05" East, 20.00 feet to a point in the said Southerly line of Linnet Avenue;

Thence South 89° 15' 55" East along the said Southerly line of Linnet Avenue, 25.00 feet to the Principal Place of Beginning and containing 0.0115 acres of land as described on March 23, 1999 by R.M. Kole & Associates, Inc., Professional Land Surveyors.

**Section 2.** That the easement shall be non-exclusive and the purpose of the easement shall be to construct a controlled environment vault which will house remote electronic equipment needed to upgrade telecommunications and to allow for the deployment of fiber optics in the vicinity of the fire station.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement interest to Ameritech at a price of Two Thousand Five Hundred Dollars (\$2,500.00).

**Section 4.** That the duration of the easement shall be until such time as said easement should be abandoned by the Grantee by the removal of the controlled environment vault or cessation of use; that the easement may include reasonable access, ingress and egress rights; that the easement shall not be assignable without the consent of the Director; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any Grantee improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Public Safety on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interest of the parties. The Directors of

Public Safety and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the controlled environment vault within the property described in Section 1.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Public Service, City Planning Commission, Finance, Law; Committees on Public Safety, Public Service, City Planning, Finance.

**Ord. No. 1426-99.**

**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 2000 Selective Traffic Enforcement Program.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$49,985.45, from the Ohio Department of Public Safety, to conduct the 2000 Selective Traffic Enforcement Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1426-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Finance.

**Ord. No. 1427-99.**

**By Councilmen Gordon, Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease Brookside Park Ball Diamond #1 to St. Ignatius High School, for a term not to exceed ten years with two five-year options to renew.**

Whereas, the City of Cleveland owns certain property known as

Brookside Park Ball Diamond #1 which is suitable for lease and operation by another party for a public use; and

Whereas, St. Ignatius High School has proposed to lease said property from the City for the exclusive use by St. Ignatius High School baseball team for use as their home baseball field in exchange for making annual site improvements to the baseball field; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to St. Ignatius High School, exclusively, the Brookside Park Ball Diamond #1, from March 1 through June 1, during daylight hours only, which is determined to be suitable for operation by the Lessee for the public purpose of securing site improvements at no cost to the City and by providing a home field to the St. Ignatius High School baseball team for the term of the lease.

**Section 2.** That the term of the lease authorized by Section 1 shall not exceed ten (10) years, with two options exercisable by the Director of Parks, Recreation and Properties, to renew for additional five-year terms, and cancelable upon thirty days written notice by said director.

**Section 3.** That the property described in Section 1 shall be leased to St. Ignatius High School at no rental fee, but St. Ignatius High School shall make site improvements to the baseball diamond in the approximate amount of \$1,500 to \$2,000 annually for each year of the lease.

**Section 4.** That the lease may authorize the lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 6.** That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 7.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

**Ord. No. 1428-99.**  
**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement for the operation of soft drink, candy, snack and other vending machines throughout City parks and various City-owned and City-leased buildings.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized to enter into a concession agreement on the basis of competitive proposals, for the operation of soft drink, candy, snack and other vending machines throughout City parks and various City-owned and City-leased buildings under the control of the Department of Parks, Recreation and Properties and under the control of other City departments where the director of the department authorizes participation in the concession agreement, except City recreation centers and the Humphrey Sports Complex, for a period not to exceed three (3) years. The selection of said concessionaire shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties.

**Section 2.** That, to the extent provided by law, fifty percent (50%) of the City revenues derived from the vending machines described in Section 1 shall be deposited into Fund No. 01-70-04-8420 or 01-70-04-8740 for the improvement of, use of, and maintenance of City of Cleveland recreation centers.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

**Ord. No. 1429-99.**  
**By Councilmen Robinson, Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at Herron Row at Kingsbury to Karl F. Morris and Sue I. Morris.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at Herron Row at Kingsbury; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Permanent Parcel Number 127-18-091. Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 442, and further known as being Sublot No. 31 in Herron Row at Kingsbury, as shown by the recorded plat of said Subdivision in Volume 265 of Maps, Pages 67-70 and as re-recorded in Volume 266, Pages 8-11 of Cuyahoga County Records. Said Sublot 31 has a frontage of 65.00 feet on the Northerly side of Kingsbury Boulevard and extends back (between parallel lines) 209.47 feet on the Westerly line, 188.30 feet on the Easterly line, and has a rear line of 68.36 feet, and containing 0.2968 acres as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Karl F. Morris and Sue I. Morris at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Ord. No. 1430-99.**  
**By Councilmen Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Central Avenue and Hawthorne Avenue to Goodwill Industries of Greater Cleveland.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-18-020, 118-18-021, 118-18-022 and 118-18-032, as more fully described in Section 2 below, to Goodwill Industries of Greater Cleveland.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 118-18-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 14 in L.M. Southern and W.S. Chamberlain Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335 as shown by the recorded plat in Volume 11 of Maps, Pages 42 and 43 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Northerly line of Central Avenue, S.E., (formerly Garden Street) at the Southwest corner of said Sublot No. 14; thence Easterly along said Northerly line of Central Avenue, S.E., 45 feet; thence Northerly on a line parallel to the Easterly line of Sublot No. 14, 150 feet to the Northerly line of said Sublot No. 14; thence Westerly along said Northerly line of Sublot No. 14, 40 feet to an angle; thence Southwesterly along a Northwesterly line of said Sublot No. 14, 7-7/100 feet to an angle; thence Southerly along the Westerly line of said Sublot No. 14 which is also the Easterly line of an alley, 145 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 118-18-021 and 118-18-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of Sublot No. 14 and the Westerly 35 feet of Sublot No. 15 in Southern and Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 11 of Maps, Page 42 of Cuyahoga County Records. Said part of said Sublots Nos. 14 and 15 together form a parcel of land having a frontage of 85 feet on the Northerly side of Central Avenue, S.E., and extends back

between parallel lines, 150 feet to a 16 foot alley, as appears by said plat.

Subject to Zoning Ordinances, if any.

P.P. No. 118-18-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 38 in L.M. Southern and W.S. Chamberlain's Subdivision of part of Original One Hundred Acre Lots Nos. 334 and 335, as shown by the recorded plat of said Subdivision in Volume 11 of Maps, Page 42 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Hawthorne Avenue, S.E., (formerly Hawthorne Avenue) at the Northwesterly corner of said Sublot No. 38; thence Southerly along the Westerly line of said Sublot No. 38, 145 feet; thence Southeasterly 7.07 feet to a point on the rear line of said Sublot No. 38, 90 feet Westerly (measured along said Southerly line) from the Southeasterly corner of said Sublot No. 38; thence Easterly along the Southerly line of Sublot No. 38, 45 feet; thence Northerly on a line parallel to the Westerly line of said Sublot No. 38, 150 feet to the Southerly line of Hawthorne Avenue, S.E., thence Westerly along said Southerly line of Hawthorne Avenue, S.E., 50 feet to the place of beginning, as appears by the plat.

Also subject to all zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**Ord. No. 1431-99.**

**By Councilmen White and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with various entities to provide services under Titles IIA and IIC of the 1999 Job Training Partnership Act; and authorizing the Directors of Personnel and Human Resources and Public Safety to enter into a memorandum of understanding to implement training.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Personnel and Human Resources is authorized to enter into contract with Famicos Foundation, The Merrick House, the Cleveland School Board, Ohio Technical College, Cleveland Truck and Bus Driving Academy, Inc., Meadowmark Computer Training, Inc., and King College of Business dba Sawyer College, for the delivery of adult and youth employment and training services under Title IIA-77%, Title IIA-5% and Title IIC-82% of the 1999 Job Training Partnership Act.

**Section 2.** That the Director of Personnel and Human Resources is authorized to enter into a memorandum of understanding with the Director of Public Safety to implement the delivery of youth employment and training services under the 1999 Job Training Partnership Act.

**Section 3.** That the contracts authorized above and implementation of the memorandum of understanding shall not exceed \$854,507.00 and shall be paid from Fund Nos. 15 SF 091 and 15 SF 095, Request Nos. 8925, 8926, 8927, 8928, 8931, 8932, 8981, 8982, 8983, and 8995.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 1432-99.**

**By Councilmen Cimperman, Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract amendment with Post Office Plaza Limited Partnership to accept a discount prepayment of the UDAG loan regarding the renovation and tenant build out of the former post office at 301 West Prospect.**

Whereas, pursuant to Ordinance Nos. 1249-85, passed June 10, 1985, as amended by Ordinance No. 2589-85, passed November 11, 1985, Council authorized the Director of Economic Development to accept an Urban Development Action Grant ("UDAG") from the United States Department of Housing and Urban Development

("HUD") and to enter into a contract with the Post Office Plaza Limited Partnership (the "Contract"), or its designee, for renovation and tenant build out of the former post office at 301 West Prospect; and

Whereas, Post Office Plaza Limited Partnership was the authorized designee under the Contract; and

Whereas, Post Office Plaza Limited Partnership has requested the opportunity to prepay the \$9,200,000 zero interest loan at its net present value determined by discounting by a rate of eight percent (8%) the balloon principal payment due March 2, 2010; and

Whereas, this ordinance allows the Department of Economic Development to secure financial assistance funds for the fourth quarter 1998 and 1999 City-wide projects; and

Whereas, this ordinance constitutes an emergency measure that the same provides for the immediate preservation of the public peace, safety, property and welfare, in that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland; now, therefore

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is authorized to accept on behalf of the City, a discounted prepayment from Post Office Plaza Limited Partnership to be paid to the City no later than October 1, 1999, in an amount equal to the net present value of the loan using a discount rate equal to eight percent (8%) in full satisfaction of its loan of \$9,200,000 due in a balloon payment March 2, 2010 which loan was made to partially finance the renovation and tenant build out of the former post office at 301 West Prospect. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under said prepayment.

**Section 2.** That the UDAG Development Contract Amendment authorized herein shall be prepared by the Director of Law and shall contain such terms and conditions as shall be deemed necessary or appropriate to protect the interests of the City.

**Section 3.** That the Director of Economic Development is hereby authorized to release any and all collateral taken to secure repayment of said loan and to execute all documents necessary to release said collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

**Section 4.** That the Director of Economic Development is hereby authorized to deposit the prepayment into Fund No. 17 SF 006.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.



**Ord. No. 1435-99.  
By Councilmen Robinson, Zone and Johnson (by departmental request).  
An emergency ordinance to amend Section 350.14, 350.19 and 350.20 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to signs for shopping centers and other business uses.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 350.14, as amended by Ordinance No. 648-96, passed June 10, 1996,

Section 350.19, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 350.20, as amended by Ordinance No. 1131-93, passed June 14, 1993

are hereby amended to read, respectively, as follows:

**Section 350.14 Signs for Retail Districts**

Signs for uses in University Retail, Local Retail, General Retail and Shopping Center Districts shall be permitted as regulated below:

(a) Maximum Sign Face Area (Retail). The maximum sign face area of all permanent building-mounted signs for each building or unit thereof shall be related to the width of the building or unit. (For lots without buildings or with unusually small buildings, see division (d) of Section 350.20.) Maximum sign face area, excluding the area of free-standing signs, shall be determined according to the measurement standards of Section 350.05 and the following formula where "W" is the width of frontage (in feet) of the building or unit thereof:  $(W \times 1/5) + 25 = \text{SQUARE FEET OF SIGNAGE}$ .

(b) Permitted Types, Number, Area and Height (Retail).

Signs by use and structural type are permitted only in accordance with the regulations presented in the schedule of Permitted Types, Number, Area and Height (Retail). Sign types not listed are prohibited except for political signs which are permitted as regulated in Section 350.11. (All signs are permanent unless listed as temporary).

**SCHEDULE OF PERMITTED TYPES, NUMBER, AREA, & HEIGHT  
(RETAIL)**

SIGNS BY USE TYPE	SIGNS BY STRUCTURAL TYPE				
	FREE-STANDING	WALL	WINDOW	CANOPY	PROJECTING
IDENTIFICATION OR BUSINESS <sup>2, 3</sup>	#: 1 per lot <sup>4</sup> SF: 50 <sup>4</sup> Ht: 12'-Local Retail Districts 25'-Other Retail Districts	SF: As regulated by formula . . . .		#: 1 per building unit SF: 6 if hanging from soffit	#: 1 per building unit SF: 12
DIRECTIONAL & INFORMATION <sup>5</sup>	#: Minimum necessary as approved by Building Commissioner . . . .				
	SF: 4 Ht: 3'	SF: 4	SF: 4	SF: 4	Not Permitted
REAL ESTATE (Temporary)	#: 1 per street frontage SF: 48 Ht: 10'	#: 1 per building side SF: 48	#: 1 per building unit SF: 12	Not Permitted	Not Permitted
DEVELOPMENT <sup>6</sup> (Temporary)	#: 2 per lot (total) . . . .				
	SF: 96 Ht: 12'	SF: 96	SF: 12	Not Permitted	Not Permitted
TEMPORARY (Excluding Real Estate and Development)	As permitted in Section 350.12		SF: 25% of window area	As permitted in Section 350.12	

#: Maximum number of signs  
SF: Maximum sign area (in square ft.) per side of each sign  
Ht.: Maximum height for free-standing signs and roof signs  
Sign Area Formula:  $(W \times 1.5) + 25 = \text{square feet}$

<sup>1</sup>Except 75 sq. ft. maximum for establishments with a building frontage of 100-200 ft. and 100 sq. ft. maximum for establishments with a building frontage exceeding 200 ft. For shopping centers, see Section 350.14(d).

<sup>2</sup>Identification or business signs using animation, electronically-changeable copy or flashing lights are specifically prohibited for "adult entertainment uses," as defined in Section 343.11(a)[347.07(b)].

<sup>3</sup>Identification and business signs using animation or electronically-changeable copy are permitted in General Retail and Shopping Center districts as free-standing, wall or window signs and, for theatres, also as canopy signs.

<sup>4</sup>See division (b) of Section 350.20.

<sup>5</sup>For hospitals, colleges and other public facilities and institutions, directional and information signs may be permitted to a maximum area of 12 sq. ft. and a maximum height of 6 ft. as necessary in the determination of the Building Commissioner.

<sup>6</sup>In Local Retail Districts, wall and free-standing development signs shall be limited to 48 sq. ft. and 10 ft. in height (for free-standing signs).

(c) Location (Retail). Free-standing signs as permitted for retail uses shall conform with the location regulations presented in the Schedule of Location Regulations (Retail) in addition to the regulations of Section 350.08.

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 SCHEDULE OF LOCATION REGULATIONS (RETAIL)  
 Free-Standing Sign Types  
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Minimum Distance From	Identification/ Business	Real Estate & Development	Information & Political	Directional
Residential				
District Line	25'	25'	5'	5'
Street R.O.W. Line(s)	3'	3'	3'	1'
Side & Rear Lot Lines	5'	5'	5'	5'

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(d) Shopping Centers. For purposes of this Chapter **three (3)** or more **retail** businesses located on a single lot and served by common parking or common vehicular entrances shall be classified as a "shopping center" and shall be permitted one (1) free-standing identification sign and one (1) wall identification sign in addition to other permitted signs and in accordance with the following regulations:

(1) **Display of Information.** Each shopping center identification sign shall display only the name of the center and the name of **not more than one (1) business** located within the center, **except that any shopping center with retail floor area exceeding 150,000 square feet, excluding "outlots" with separate free-standing signs, such sign may display the names of not more than two (2) businesses located within the center.**

(2) **Size.** The maximum sign face area of a shopping center identification sign shall equal twenty (20) square feet for each 10,000 square feet of gross floor area but shall not exceed 125 square feet. All shopping centers, however, shall be permitted a sign of at least fifty (50) square feet.

(3) **Other Regulations.** All other regulations of this chapter applicable to identification signs shall apply to a shopping center identification sign.

(4) **Other Signs.** A lot displaying a shopping center identification sign may display no other free-standing identification or business signs.

(5) **Secondary Frontages and Entrances.** One (1) additional shopping center identification freestanding sign and one (1) additional shopping center identification wall sign shall be permitted **for a shopping center with more than one vehicular entrance, provided that such signs meet the requirements of division (b) of Section 350.20.**

(6) **Outlots.** If a vehicular entrance or parking lot of a shopping center also serves a use located on a separate lot (i.e., "out lot"), the free-standing identification or business sign permitted for such lot shall be limited to a maximum of twenty-five (25) square feet in area and seven (7) feet in height.

(7) **Design Review.** **No sign identifying a shopping center or identifying two (2) or more businesses within a shopping center and no permanent identification sign of any type located within a designated Shopping Center District shall be erected or altered in appearance without the approval of the City Planning Commission or its Director. In considering such approval, the Commission shall seek to ensure that the signs demonstrate a high degree of graphic and architectural quality, legibility, and design compatibility with the shopping center, its signage and nearby development.**

(8) **Consolidation of Free-Standing Signs.** **In the case of a shopping center with more than the number of signs allowed under this Chapter, which signs were legally established prior to the effective date of this ordinance, a new free-standing sign identifying two (2) or more businesses may be erected if the following conditions are met:**

**A. the new multi-tenant sign shall display the name of the shopping center and tenant names no greater in number than the tenant names currently displayed on free-standing signs in the shopping center, but in no case shall more than six (6) tenant names be displayed on such sign;**

**B. all other free-standing business identification signs on the shopping center property shall be removed prior to erection of the new sign, except that conforming signs permitted for outlots may be retained;**

**C. the sign does not, exceed twelve (12) feet in height.**

(e) Gasoline Service Stations. Signs for gasoline service stations shall conform with all regulations of this chapter except for the maximum sign area regulations of division (a) of Section 350.14 and any regulations which directly conflict with the regulations stated below:

(1) **Free-standing Business Sign.** Each station shall be permitted one (1) permanent free-standing business signs, with total sign face area of the panel or panels not exceeding one hundred (100) square feet. Such sign shall be limited to identifying the company name, management, fuel prices, and services offered.

(2) **Signs at Service Islands.** Stations shall be permitted information signs at fuel or other service islands which display information regarding type of service or are necessary in directing or instructing the motorist who has entered the station area. Signs not extending beyond the edges of fuel pumps are permitted and shall not be counted as business identification signs.

(3) Wall and Canopy Signs. Each station shall be permitted permanent identifications, business, directional and information signs displayed as wall or canopy signs and not exceeding one hundred (100) square feet in combined area. Non-opaque internally-illuminated canopy surfaces ("fascia") shall be considered as sign panels for purposes of sign area measurement.

(4) Temporary Signs. Temporary signs shall be permitted in accordance with the regulations of Section 350.12.

(f) Drive-Through Restaurants. For restaurants providing direct service to customers in motor vehicles, one (1) free-standing or wall-mounted "menu board" sign (limited to information regarding the restaurant's menu and related instructions) shall be permitted for each drive-through lane in addition to signs and sign area otherwise permitted. Such sign shall not exceed forty (40) square feet in area and six (6) feet in height and shall meet setback regulations applicable to free-standing identification signs (as specified in division (c) of this section).

(g) Regulations for Larger Projecting Signs. A projecting sign may exceed the otherwise maximum permitted size of twelve (12) square feet and the otherwise maximum permitted projection of four (4) feet from a building wall if such sign meets the following standards:

(1) Such sign shall be set back from the closest interior side lot line and the closest tenant party wall line at least one (1) foot for each one (1) square foot of sign area.

(2) Such sign shall in no case exceed thirty-six (36) square feet in area nor eight (8) feet in projection from the building wall and shall be set back at least two (2) feet from the outer edge of any street curb.

(3) No Building Permit shall be issued for such sign without approval of the City Planning Commission, which shall consider the design quality of the sign and its compatibility with the design character of the subject property and surrounding properties. In addition to considering such general design factors as placement, proportions, color, materials, and consistency with signs to be seen as a series, the City Planning Commission may specifically require use of non-rectangular, custom-shaped panels, exposed neon or reflected lighting, unobtrusive support structures, narrow-profile sign cabinets, or other design features necessary to ensure that a larger projecting sign will enhance the appearance of the building on which it is placed and the district in which it is located.

(4) At least five (5) working days prior to the City Planning Commission meeting at which approval under the regulations of this division will be considered, written notice shall be provided to the City Council member in whose ward the proposed sign is to be located.

(h) Supplemental Regulations. Signs in Retail Districts shall also conform to regulations of Section 350.20.

#### **Section 350.19 Nonconforming Signs and Uses**

A sign which is displayed pursuant to a Building Permit issued by the City, but does not conform to current regulations, shall be deemed a legal nonconforming sign (hereinafter referred to as a "nonconforming" sign) and shall be governed by the following regulations:

(a) Permitted Repair and Alterations. A nonconforming sign may be painted, cleaned or repaired as required in Section 350.18 but shall not be otherwise altered, moved or replaced unless made to conform to current regulations. Such sign, however, may be altered to permit a change of message or change of face if such change does not structurally alter the sign casing or support.

(b) Limitation on Reconstruction. A nonconforming sign or part thereof damaged or deteriorated to an extent exceeding **fifty percent** (50%) of its replacement cost shall not be reconstructed or replaced unless made to conform to regulations of this Code. For a nonconforming sign damaged by a single incident (such as a storm), to an extent less than **fifty percent** (50%) of its replacement cost, reconstruction is permitted only if such work is begun within six (6) months of the incident and is completed within twelve (12) months of the incident.

(c) Discontinuance of Use. A nonconforming sign shall be removed or made to conform to regulations of this Code if the use to which the sign refers has been discontinued for a continuous and immediately preceding period of at least twelve (12) months, except as provided in division (f) of **this section. In the case of a nonconforming billboard, as defined in this chapter, such sign shall be removed or made to conform to regulations of this Code if, for a continuous and immediately preceding period of at least twelve (12) months, the billboard has been blank or has displayed copy which is faded or damaged so as to render it illegible or has referred to an event or activity which has ended or to a business or product or service which has been discontinued. All such determinations shall be made and documented by the Commissioner of Building and Housing or his or her designee.**

(d) Temporary Signs. All nonconforming temporary signs, including portable signs, shall be removed or made to comply with the regulations of this Code within thirty (30) days after issuance of a violation notice by the City.

(e) Signs for Nonconforming Uses. For legal nonconforming uses, such as a retail use in a residential zoning district, the applicable signage regulations shall be those most appropriate to the nature of the nonconforming use.

(f) Landmark Signs. A landmark sign is one which is determined to be historically or architecturally significant by the Landmarks Commission in accordance with the standards of divisions (a) of Section 161.04 of the Codified Ordinances. A sign so identified by the Commission shall be exempt from the prohibitions regarding reconstruction or retention as stated in divisions (a) and (b) of Section 350.19. Any proposed reconstruction of such sign shall be permitted only if approved by the Landmarks Commission in accordance with its customary standards for review.

**Section 350.20 Supplemental Regulations**

The following supplemental regulations shall apply to permitted signs in non-residential zoning districts:

(a) **Non-Ground Floor Uses.** For uses not located on the ground floor and for ground floor uses which lack direct access from the building exterior, the following signs shall be permitted in addition to signs otherwise permitted for the building. Regardless of the number of such uses in a building, not more than one (1) wall or projecting identification sign, a maximum of twelve (12) square feet in area, shall be placed at each ground floor entrance providing access to the uses in question. In addition, for each such use, window signs not exceeding twenty (20) square feet in total area shall be permitted for display on the inside surface of windows within the subject space.

(b) **Secondary Frontages and Entrances.**

(1) **Secondary Frontages.** A building or building unit with frontage on a second street or with a customer building entrance from a rear or side parking lot shall be permitted total additional wall, window, **projecting and canopy sign area** not to exceed 50% of the sign area otherwise permitted. Such signs shall be displayed **so that the total sign area placed on any facade does not exceed the maximum sign area permitted for the building's primary frontage.** This provision shall also apply to buildings or building units with secondary frontage along the Cuyahoga River or Lake Erie and to buildings adjoining a freeway right-of-way.

(2) **Secondary Entrances.** For lots served by more than one (1) vehicular entrance, one (1) additional free-standing identification sign shall be permitted at each additional vehicular entrance if the minimum distance between any two (2) such signs is five hundred (500) feet as measured along street lines. **Where such distance is less than five hundred (500) feet but more than three hundred (300) feet, a second free-standing identification sign shall be permitted if the height of each such sign is no greater than twelve (12) feet and the combined sign area of the two signs is no greater than one hundred fifty percent (150%) of the maximum sign area permitted for a single free-standing identification sign on the subject property.**

(c) **New Businesses.** Upon its initial opening, a new business establishment may display a temporary identification sign for a maximum period of sixty-two (62) days prior to installation of a permanent identification sign. Such temporary sign may be a wall, window or portable sign which shall conform with all regulations applicable to permanent signs (except clearly inapplicable structural requirements) and shall be counted as part of the maximum permitted permanent sign area. In addition, temporary window signs for such new businesses may cover up to 75% of window area. Strings of pennants, streamers, pinwheels, balloons and similar small lightweight objects shall be permitted for "grand openings" for a single period not exceeding seven (7) days within the first six (6) months after issuance of the initial Occupancy Certificate for a new business.

(d) **Open Lots.** For uses without buildings, and for uses on lots where building frontage is less than 20% of lot frontage, maximum sign face area for the use, including free-standing signs, shall be the greater of fifty (50) square feet or the figure resulting from the following formula where "LW" equals the width of the lot frontage, as defined in division (a)(2) of Section 350.05:  $LW \times 1.0 = \text{SQUARE FEET OF SIGNAGE}$ . The area of a free-standing sign shall in no instance exceed one hundred (100) square feet.

(e) **Major Public Assembly Facilities.** For public assembly facilities located within the Central Business District and providing a minimum seating or attendance capacity of 5,000 persons, signage shall be permitted in accordance with the following standards contained in this division (e) which recognize the unique nature of these large-scale public assembly facilities. Except as provided in these standards, all other regulations of this Zoning Code shall apply to such signage.

(1) **Type, Number, Height and Location of Signs.** The City Planning Commission may authorize variations in otherwise applicable regulations of this chapter to the extent necessary to provide adequate information to the public.

(2) **Electronic Changeable Copy Signs.** Information displayed through electronically changeable copy on signs located on the premises of a qualifying public assembly facility or on property located within 500 feet of the qualifying public assembly facility and owned or leased by the owners of said public assembly facility shall be limited to the following:

A. identification of the facility or events held at the facility.

B. identification of the events held at other local public assembly facilities and identification of festivals and other special events held in the City.

C. identification of products or services offered for sale on the premises of the qualifying public assembly facility.

D. public service messages, such as time, temperature and information of a civil nature, including welcoming of visitors to the City.

E. acknowledgement of organizations or individuals sponsoring events held at the facility or contributing to the construction or operation of the facility as sponsors or patrons.

**Section 2.** That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 350.14, as amended by Ordinance No. 648-96, passed June 10, 1996,

Section 350.19, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, and

Section 350.20, as amended by Ordinance No. 1131-93, passed June 14, 1993

are hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Legislation, Finance.

**Ord. No. 1437-99.**  
**By Councilman Jackson.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5708-10 Woodland Avenue, to First Beulah Baptist Church.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 124-12-086, as more fully described in Section 2 below, to First Beulah Baptist Church.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 124-12-086

**Parcel #1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in Bomford and Butler's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume "W" of Deeds, Page 721 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Woodland Avenue, S.E., 493 feet 9-1/2 inches Easterly from the point of intersection of the Southerly line of Woodland Avenue, S.E., and Northerly line of Kinsman Road, S.E., as the same were laid out and established before the widening of Woodland Avenue, S.E.; thence Southerly at right angles with Woodland Avenue, S.E., 215 feet, thence Easterly parallel with the Southerly line of Woodland Avenue, S.E., 14 feet; thence Northerly parallel with said Westerly line, 215 feet to the Southerly line of Woodland Avenue, S.E.; thence Westerly along said Southerly line, 14 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways. Excepting about 10 feet across the front of the aforesaid premises taken by the City to widen Woodland Avenue, S.E., to a width of 80 feet.

**Parcel #2**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in Bomford and Butler's Subdivision of part of Original One Hundred Acre Lots Nos. 331 and 332, as shown by the recorded plat in Volume "W" of Deeds, Page

721 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of Woodland Avenue, S.E., (formerly Kinsman Avenue) 80 feet wide, at its intersection with the Westerly line of land conveyed to Aaron G. Harbaugh, by deed dated January 31, 1871, and recorded in Volume 184, Page 26 of Cuyahoga County Records; thence Westerly along the Southerly line of Woodland Avenue, S.E., 50 feet to the Easterly line of land conveyed to W.S. Wood, by deed dated July 16, 1869, and recorded in Volume 166, Page 418 of Cuyahoga County Records; thence Southerly along the Easterly line so conveyed 165 feet to the Northerly line of land conveyed to the Rock Investment Company, by deed dated February 10, 1917 and recorded in Volume 1904, Page 359 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed 50 feet to the Westerly line of land conveyed to Aaron G. Harbaugh, as aforesaid; thence Northerly along the Westerly line of land so conveyed to Aaron G. Harbaugh, 165 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**Ord. No. 1458-99.**  
**By Councilman Patmon.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1132 and 1136 East 98th Street to Charles Hall and Brenda J. Hall.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 109-07-043 and 109-07-044, as more fully described in Section 2 below, to Charles Hall and Brenda J. Hall.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 109-07-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 14 in Superior Park Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 17 of Cuyahoga County Records and being 50 feet front on the Westerly side of East 98th Street and extending back of equal width 120 feet deep, to the Easterly line of East 98th Place, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to covenants and restrictions recorded in Volume 1309, Page 5 of Cuyahoga County Records.

P.P. No. 109-07-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in B. Schatzinger's Superior Park Subdivision No. 3 of part of Original One Hundred Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 37 of Maps, Page 17 of Cuyahoga County Records, and being 50 feet front on the Westerly side of East 98th Street, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

#### FIRST READING ORDINANCES REFERRED

##### Ord. No. 1433-99.

By Councilman Cintron.

An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located on the northwest and southwest corners of Center Street and Riverbed and the southeast corner of Center Street and Washington, and shown as Map Change No. 1991, Sheet No. 1; and to change the use and area districts on said parcels of land. (Map Change No. 1991, Sheet No. 1)

Whereas, Stonebridge Management and Development, Inc., c/o Douglas E. Price III, President, has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located on the northwest and southwest corners of Center Street and Riverbed and the southeast corner of Center Street and Washington, and construction of a PUD project to be known as "Stonebridge" on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the Council of the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the area outlined on the site plan and described in the legal description contained in File No. 1991, and known as Stonebridge PUD be and the same is hereby designated as a Planned Unit Development (PUD) Overlay District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976.

Beginning at the intersection of the southeasterly extension of the northeasterly line of Sublot No. 570 in the Buffalo Company Allotment as recorded in Volume 3, Page 51 and D.B. N13-39 of the Cuyahoga

County Map Records and the center line of Riverbed Street, N.W.; thence southwesterly along said center line of Riverbed Street, N.W., to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 755 in said Buffalo Company Allotment; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 755 to its intersection with the northwesterly line thereafter; thence northeasterly along said northwesterly line of said Sublot No. 755 and continuing northeasterly along the northwesterly lines of Sublots Nos. 754, 753, 752, 751, 750, and 749 in said Buffalo Company Allotment to its intersection with the northwesterly line of Sublot No. 1 in the Buffalo Company Allotment as recorded in Volume D.B. X22, Page 609 of the Cuyahoga County Map Records; thence northeasterly along said northwesterly line of said Sublot No. 1 and continuing northeasterly along the northwesterly lines of Sublots Nos. 2, 3, 4, and 5 in said Buffalo Company Allotment to its intersection with the northeasterly line of Sublot No. 737 in said Buffalo Company Allotment as recorded in Volume 3, Page 51 and D.B. N13-39 of the Cuyahoga County Map Records; thence northwesterly along said northeasterly line of said Sublot No. 737 and along its northwesterly prolongation to the center line of Washington Avenue, N.W.; thence northeasterly along said center line of Washington Avenue, N.W. to the center line of Center Street, N.W.; thence southeasterly along said centerline of Center Street, N.W. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 562 in said Buffalo Company Allotment; thence northeasterly along said southeasterly line of said Sublot No. 562 to its intersection with said northeasterly line of said Sublot No. 570; thence southeasterly along said northeasterly line of said Sublot No. 570 and along its southeasterly extension to the place of beginning.

**Section 2.** That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 1991, Sheet No. 1, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and in the office of the City Planning Commission.

**Section 3.** That the PUD project depicted in the site plan contained in the above mentioned file which has been proposed for the PUD Overlay District created by Section 1, and which is to be known as "Stonebridge," is hereby approved.

**Section 4.** That the Use and Area Districts of lands outlined in the site plans and described in the legal description contained in the above mentioned file and as outlined in green on the map attached hereto be and the same are hereby changed to a General Retail Use District and a 'C' Area District.

**Section 5.** That said changed designation of lands described in Section 4 shall be identified as Map Change No. 1991, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

**Section 6.** That no building permit shall be issued by the City of Cleveland for property located within the General Retail Use District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance. Unless a building permit for such development is issued within eighteen (18) months from the effective date of approval of this ordinance, or within such extension as may be approved by the Planning Commission, the Use and Area Districts approved herein shall be void and the zoning shall revert to the classification that existed prior to the approval of this ordinance.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Referred to Director of City Planning Commission, Law; Committee on City Planning.

##### Ord. No. 1434-99.

By Councilman O'Malley.

An ordinance to change the Use District of lands on the northwest, southwest, and northeast corners of Carlos Ave., S.W., and W. 47 Street (Map Change No. 1998, Sheet No. 2).

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Use District of lands bounded and described as follows:

Beginning at the intersection of the center line of Carlos Avenue, S.W. and the center line of West 47 Street; thence southwesterly along said center line of West 47 Street to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 22 in the Heil Yon Recorded Subdivision; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 22 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 22 and along its northeasterly extension to the center line of Carlos Avenue, S.W.; thence northwesterly along said center line of Carlos Avenue, S.W. to its intersection with the southerly extension of the westerly line of Sublot No. 23 in said Heil Yon Recorded Subdivision; thence northerly along said southerly extension and along said westerly line of said Sublot No. 23 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 23 and along its easterly extension to the center line of West 47 Street; thence southerly along said center line of West 47 Street to its intersection with the westerly extension of the northerly line of Sublot No. 13 in the J. Kerns Subdivision as recorded in Volume 34, Page 26 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 13 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 13 and along its southerly extension to the center line of Carlos Avenue, S.W.; thence northwesterly along said center line of Carlos Avenue, S.W. to the place of beginning, and as outlined in red on the map hereto attached be, and the same is hereby changed to, a Two-Family Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1998, Sheet No. 2 and

shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Referred to Director of City Planning Commission, Law; Committee on City Planning.

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 1436-99.**  
**By Councilman Cimperman (by departmental request).**

**An emergency resolution declaring the intention to vacate all that portion of East 33rd Street.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of East 33rd Street, as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

EAST 33RD STREET (66.00 feet wide), extending Northerly from the Northerly line of St. Clair Avenue N.E. (99.00 feet wide) to the Southerly line of Hamilton Avenue N.E. (66.00 feet wide).

**Section 2.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 1438-99.**  
**By Mayor White.**

**An emergency ordinance authorizing the Mayor, or his designee, to accept registration fees, enter into contract for the provision of facilities to purchase course supplies and refreshments, in connection with the James H. Walker Construction Management Training Course to be conducted by the Office of Equal Opportunity.**

Whereas, the Office of Equal Opportunity is required, pursuant to Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, and the MBE/FBE Code contained in Chapter 187 thereof, to hold periodic training seminars to assist minority and female business firms; and

Whereas from September 14, 1999 through October 19, 1999, the Office of Equal Opportunity will be sponsoring the James H. Walker Construction Management Training Course; and

Whereas, the Council of the City of Cleveland has determined that collection of fees and provision of facilities, course supplies, refreshments and a graduation dinner in connection with said training course constitute a public purpose; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Mayor, or his designee, is hereby authorized to accept a registration fee of One Hundred Twenty-Five Dollars (\$125.00) from every registrant attending the James H. Walker Construction Management Training Course, being held September 14, 1999 through October 19, 1999; to enter into contract with Cuyahoga Community College for seminar facilities; and to purchase course supplies, refreshments and food required for the training course and graduation dinner. Such facilities, services and food shall be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Office of Equal Opportunity, using fees collected for registration, and paid from Fund No. 01-001-011302-632000, Request No. 13001.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1439-99.**

**By Councilman Britt.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fairhill Center for the Aging to stretch seven (7) banners at Fairhill Road and East 124th Street on utility poles (by separate permission) for the period of July 27, 1999 through August 23, 1999, inclusive publicizing their special event.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Fairhill Center for Aging, 12200 Fairhill Road, Cleveland, Ohio 44120, to install, maintain and remove seven (7) banners on Cleveland Electric Illuminating Company and also on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; Cleveland Electric Illuminating Company poles at Fairhill Road; Pole Numbers 53246(5), 53246(6), 53246(7), 53246(8) and Cleveland Public Power poles at East 124th Street; Pole Numbers 183-2-5-2-12, 183-2-5-2-11, 183-2-5-2-10; for the period of July 27, 1999 to August 23, 1999, inclusive, publicizing their special event; and which banners shall be

approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1440-99.**

**By Councilman Britt.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Little Italy 2000 Redevelopment to stretch six (6) banners at Mayfield Road on utility poles (by separate permission) for the period of July 20, 1999 through August 27, 1999, inclusive publicizing their annual festival.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Little Italy 2000 Redevelopment, 12510 Mayfield Road, Cleveland, Ohio 44106, to install, maintain and remove six (6) banners on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; 12009 Mayfield Road - Pole #40, 12021 Mayfield Road - Pole #40-1, 12113 Mayfield Road - Pole #40-2, 12307 Mayfield Road - Pole #40-4, 12407 Mayfield Road - Pole #40-5, 12511 Mayfield Road - Pole #40-6; for the period of July 20, 1999 to August 27, 1999, inclusive, publicizing their annual festival; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign, erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1441-99.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mega Church to stretch two (2) banners on West 25th Street at Prame and Blatt Avenues on utility poles (by separate permission) for the period of August 5, 1999 through September 24, 1999, inclusive publicizing the Children's Day Care Center.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Mega Church, 3170 Scranton Road, Cleveland, Ohio 44109, to install, maintain and remove two (2) banners on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; Pole #AOM 18-59, which is the first pole south of Prame Avenue (East) on West 25th Street, and Pole #AOM 18-54, which is the second pole south of Blatt Avenue (West) on West 25th Street; for the period of August 5,

1999 to September 24, 1999, inclusive, publicizing the Children's Day Care Center; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1442-99.**

**By Councilman Cintron.**

**An emergency ordinance consenting and approving the issuance of a permit for the St. Ignatius Run on September 12, 1999, sponsored by St. Ignatius High School.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Run sponsored by St. Ignatius High School, on September 12, 1999, beginning at St. Ignatius High School W. 32nd and Lorain, Lorain to Abbey, Abbey to Columbus, Columbus to Riverbed, Riverbed to Carter, Carter to Scranton, Scranton to Train, Train to Wiley and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the event and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1443-99.**

**By Councilman Cimperman (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Project LEARN to encroach into the right-of-way at 2728 Euclid Avenue with six (6) banners to be attached to utility poles (by separate permission).**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Project LEARN, lessee and occupant of the premises at 2728 Euclid Avenue, Suite 200, Cleveland, Ohio 44115-2412, its successors and assigns, to construct, use and maintain six (6) banners to be attached to three (3) utility poles (by separate permission) which will encroach into the right-of-way at 2728 Euclid Avenue, at the locations more fully described herein.

**PROJECT LEARN BANNERS/UTILITY POLE LOCATIONS AND OWNERS:**

<b>LOCATION:</b>	<b>POLE NUMBER:</b>	<b>OWNER:</b>
1. 1st pole West of 2728 Euclid Avenue (S)	B81-15	C.P.P.
2. 2728 Euclid Avenue (S)	B81-16	C.P.P.
3. 1st pole East of 2728 Euclid Avenue (S)	B81-15	C.P.P.

**Section 2.** That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

**Section 3.** That said banners will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 4.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.



**Ord. No. 1444-99.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Whittier Avenue to Joni Janine Johnson.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 104-19-100 and 104-19-101, as more fully described in Section 2 below, to Joni Janine Johnson.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

**P.P. No. 104-19-100**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 62 in Sweesy and others Re-Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**P.P. No. 104-19-101**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 64 in Sweesy Et. Al. Re-Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1445-99.****By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Light the Night Leukemia Walk-A-Thon on September 25, 1999, sponsored by the Leukemia Society.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Light the Night Leukemia Walk-a-Thon sponsored by the Leukemia Society, on September 25, 1999 starting at Parcel H behind the Rock & Roll Hall of Fame, head along the perimeter of the inner harbor behind, into and around the Cleveland Browns Stadium. From the stadium, proceed onto Erieside Avenue and head to East 9th. Take East 9th to take a right onto Carnegie, proceed on Carnegie to take a right onto Ontario, from Ontario take a left into Public Square and a left onto Superior (in front of Terminal Tower), take Superior to West 9th Street, from the corner of Superior & West 9th, head down the hill to Settler's Landing to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinance of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1446-99.****By Councilman Coats.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with E.B.C. FERRY to sponsor various community events for the benefit of Ward 10 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with E.B.C. FERRY to sponsor various community events, including the Ward 10 Community Fest to be held on September 4, 1999, for the benefit of Ward 10 of the City of Cleveland.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Five Thousand Dollars (\$5,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1447-99.****By Councilman Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contract with Richard Fleischman Architects, Inc. for a building condition survey in the historic block of East 105th Street between Wade Park and Lee Avenue, for the Division of Neighborhood Development, Department of Community Development.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Richard Fleischman Architects, Inc. for professional services necessary for a building condition survey in the historic block of East 105th Street between Wade Park and Lee Avenue, on the basis of their proposal dated July 12, 1999, in the total sum of \$20,900.00, payable from Fund No. 14 SF 025, Request No. 1297, for the Division of Neighborhood Development, Department of Community Development.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1448-99.**  
**By Councilman Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Greater Cleveland Media Development Corporation to provide economic development assistance to partially finance the development and administration of a program to market the City of Cleveland as a place to produce commercials, television programs and major motion pictures.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a grant agreement with Greater Cleveland Media Development Corporation to provide economic development assistance to partially finance the development and administration of a program to market the City of Cleveland as a place to produce commercials, television programs and major motion pictures.

**Section 2.** That the term of said grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1448-99-A.

**Section 3.** That the grant shall not exceed Sixty Thousand Dollars (\$60,000), and shall be paid from Fund No. 17 SF 652, Request No. 1016.

**Section 4.** That the Director of Law is hereby authorized to prepare said grant agreement and such other documents as may be appropriate to complete the transaction.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1449-99.**  
**By Councilman Johnson.**  
**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation to perform various services and to purchase equipment for the benefit of Ward 4 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Buckeye Area Development Corporation to perform various services and to purchase equipment for the benefit of Ward 4 of the City of Cleveland, including a home repair assistance program, mortgage assistance program, storefront renovation and the purchase of a tractor.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1450-99.**  
**By Councilman Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1616 and 1610-12 East 66th Street to Keith Benford and Sylvia Benford.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio, Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-14-093 and 106-14-094, as more fully described in Section 2 below, to Keith Benford and Sylvia Benford.

**Section 2.** That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P. P. No. 106-14-093  
Sited in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Southerly 31 feet of Sublot No. 62 in Samuel B. Strang's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and being 31 feet front on the Westerly side of East 66th Street, and extending back 132.83 feet on the Southerly line (which is also the Northerly side of Quimby Avenue), 132.83 feet on the Northerly line and having a rear line of 31 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 106-14-094  
Sited in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31 feet from front to rear of Sublot No. 61 and the Northerly 2 feet from front to rear of Sublot No. 62 in Sam'l B. Strang's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 46 of Cuyahoga County Records.

Said parts of Sublots Nos. 61 and 62, together form a parcel of land having a frontage of 33 feet on the Westerly side of East 66th Street (formerly Dunham Avenue) and extending back between parallel lines 132 feet 9 inches to an alley (now known as East 66th Place) in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1451-99.**  
**By Councilman Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Hough Avenue to Leodis C. Matthews.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-03-090, as more fully described in Section 2 below, to Leodis C. Matthews.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 118-03-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 16 and 17 in George E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 56 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Southerly line of Hough Avenue, N.E., at the Northwesterly corner of land conveyed to Minard A. Possons, by deed dated July 23, 1895, and recorded in Volume 600 of Deeds Page 444 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Minard A. Possons, 134.35 feet to the Southwesterly corner thereof; thence Westerly on a line parallel to the Southerly line of Hough Avenue, N.E., to the Southeast corner of land conveyed to Mary Etta Jackson and James L. Jackson, wife and husband, to Ida M. Boyle, by deed dated May 15, 1906 and recorded in Volume 1026 of Deeds, Page 502 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Ida M. Boyle, 134.35 feet to the Southerly line of Hough Avenue, N.E., thence Easterly, along the Southerly line of Hough Avenue, N.E., to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to restrictions of record and zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1452-99.**  
**By Councilman Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1619 and 1623 East 82 Street to Jacqueline Flournoy.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-002 and 106-23-003, as more fully described in Section 2 below, to Jacqueline Flournoy.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 106-23-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning at a point 630 feet West-erly from the Westerly line of East 86th Street (formerly known as Marcy Avenue) and 1,175.67 feet

Southerly from the Southerly line of Wade Park Avenue, N.E., (formerly known as Wade Park Avenue); thence Southerly parallel with East 86th Street, 42.50 feet; thence Westerly and parallel with Wade Park Avenue, N.E., about 150 feet to the Easterly line of East 82nd Street (formerly known as Genesee Street); thence Northerly along the Easterly line of East 82nd Street, 42.50 feet; thence Easterly and parallel with Wade Park Avenue, N.E., about 148.68 feet to the place of beginning and being further known as the Southerly 36.50 feet to the Sublot No. 45, and the Northerly 6 feet of Sublot No. 22 in L.M. Southern's proposed Wade Park Subdivision of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 106-23-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, bounded and described as follows:

Beginning on the Easterly line of East 82nd Street (formerly Genesee Avenue), at a point distant 1218.17 feet Southerly, measured along said Easterly line from the Southerly line of Wade Park Avenue, N.E., (formerly Wade Park Avenue); thence Easterly on a line drawn parallel to the Southerly line of Wade Park Avenue, N.E., about 149.32 feet to the Westerly line of land conveyed to Julia A. Seuffert by deed dated September 18, 1890, and recorded in Volume 483, Page 462 of Cuyahoga County Records; thence Southerly along said Westerly line 40 feet; thence Westerly on a line drawn parallel to the Southerly line of Wade Park Avenue, N.E., about 150 feet to the said Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street about 40 feet, to the place of beginning and being further known as the Southerly 38 feet to Parcel No. 22 and the Northerly 2 feet of Parcel No. 23 in L.M. Southern's Proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lots Nos. 383 and 391.

Also subject to all zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1453-99.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1795 and 1791 East 87th Street to Bobbie Laster and Geraldine Laster.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-05-058 and 119-05-059, as more fully described in Section 2 below, to Bobbie Laster and Geraldine Laster.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 119-05-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 40 feet of the Northerly 126 feet of the Westerly 110 feet of Sublot No. 49 in P.H. Babcock's Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

P.P. No. 119-05-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 49 in P.H. Babcock's Subdivision of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 87th Street (formerly Brookfield) at a point 42 feet Southerly from the Northwesterly corner of Sublot No. 49; thence Southerly along said Easterly line of East 87th Street, 44 feet; thence Easterly on a line parallel with the Northerly line

of Sublot No. 49, 110 feet; thence Northerly on a line parallel with the Easterly line of East 87th Street, 44 feet; thence Westerly 110 feet to the place of beginning, as appears by said plat.

Subject to Zoning Ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1454-99.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8122, 8124, 8126, and 8128 Wade Park to Eaton N. Jones and Keesha M. Jones.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No(s). 106-19-021 and 106-19-022, as more fully described in Section 2 below, to Eaton N. Jones and Keesha M. Jones.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 106-19-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 and the Easterly 4 feet of Sublot No. 9 in George M. Hicks' Subdivision of part of Original One Hundred Acre Lot No. 391 as shown by the recorded plat in Volume 14 of Maps, Page 3 of Cuyahoga County Records, and together forming a parcel of land 46 feet front on the Southerly side of Wade Park Avenue, N.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P.P. No. 106-19-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in George M. Hicks' Subdivision of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 14 of Maps, Page 3 of Cuyahoga County Records, and being 42 feet front on the Southerly side of Wade Park Avenue N.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1455-99.**  
**By Councilman Melena (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to City Contract No. 50991 with Thermagon, Inc. to modify various provisions of the lease.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an amendment to Enterprise Zone Agreement, City Contract No. 50991 between the City and Thermagon, Inc. ("Amendment"), to amend the Enterprise Zone Agreement in accordance with the amended executive summary contained in File No. 1455-99-A.

All other terms and conditions contained in the original Enterprise Zone Agreement shall remain the same.

**Section 2.** That the Amendment herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1456-99.**  
**By Councilman Melena.**  
**An emergency ordinance authorizing the Director of Public Service to upgrade the fencing to be installed as part of the West 61st Street Retaining Wall Project.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service is authorized to upgrade the fencing to be installed as part of the West 61st Street Retaining Wall Project to provide for the erection of decorative fencing atop the retaining wall.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Fourteen Thousand Dollars (\$14,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1457-99.**  
**By Councilman Melena (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Ripcho Studio, Inc. to provide economic development assistance to partially finance the land and building acquisition, demolition and construction of an addition to the real property located at 7630 Lorain Avenue, Cleveland, Ohio.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Ripcho Studio, Inc. to provide economic development assistance to partially finance the land and building acquisition, demolition and construction of an addition to the real property located at 7630 Lorain Avenue, Cleveland, Ohio.

**Section 2.** That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1457-99-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred and Fifty-Six Thousand Dollars (\$156,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1014.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1459-99.**  
**By Councilman Sweeney.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Bellaire-Puritas Festival Committee to stretch a banner across Puritas at the intersection of Puritas and West 140th Street for the period from September 3, 1999 to October 11, 1999, inclusive, publicizing the Bellaire-Puritas Fall Festival.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Bellaire-Puritas Festival Committee to install, maintain and remove a banner across Puritas at the intersection of Puritas and West 140th Street for the period from September 3, 1999 to October 11, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1460-99.****By Councilman Willis.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to The Medical Center Company to encroach into the right-of-way of East Blvd., Bellflower Rd., Juniper Rd. and Ford Dr., for the Phase II installation and extension of a chilled water line.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Medical Center Company, 2250 Circle Drive, Cleveland, Ohio 44106-4903, its successors and assigns, for the construction, use and maintenance of a Phase II chilled water line extension, which will encroach into the right-of-way of East Boulevard, Bellflower Road, Juniper Road and Ford Drive, at the locations more fully shown by Exhibit "A" filed in the office of the Clerk of the Council of the City of Cleveland, Ohio, and also known as File Number 1460-99-A.

**Section 2.** That said Phase II chilled water line extension will be placed in the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1461-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with Cleveland Letter Service to produce, address, sort and deliver bulk mailings to the U.S. Post Office for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with Cleveland Letter Service to produce, address, sort and deliv-

er bulk mailings to the U.S. Post Office for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Fifty Thousand Dollars (\$50,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1462-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with The Legal News Publishing Co. for the production and printing of ward newsletters for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with The Legal News Publishing Co. for the production and printing of ward newsletters for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Seventy-Five Thousand Dollars (\$75,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1463-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with Brothers Printing Co. for the production, printing and delivery of stationary items for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with Brothers Printing Co. for the production, printing and delivery of stationary items, including letterhead, envelopes, business cards, and note pads for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Fifty Thousand Dollars (\$50,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1464-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Wirenet to perform pre-development work in advance of environmental remediation of the former P.O.C. brewery located in Ward 18 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with Wirenet to perform pre-development work in advance of environmental remediation of the former P.O.C. brewery located in Ward 18 of the City of Cleveland.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Six Thousand Dollars (\$6,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1465-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing the President of Council to enter into an agreement with Cleveland State University, College of Urban Affairs, to provide professional services to assist in the development of Neighborhood Priority Plans for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the President of Council is hereby authorized to enter into an agreement with Cleveland State University, College of Urban Affairs, to provide professional services to assist in the development and implementation of Neighborhood Priority Plans for Cleveland City Council.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00) and shall be paid from Fund No. 01 SF 001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1466-99.****By Councilman Westbrook.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (Debra Auld).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 18: Debra Auld.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

**Section 4.** That this ordinance is hereby declared to be an emergency

measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1467-99.****By Councilman Cintron.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Pedro Rodriguez).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 14: Pedro Rodriguez.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1487-99.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Kosciuszko Avenue to George Edwards.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired

under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-07-040, 107-07-041 and 107-07-042, as more fully described in Section 2 below, to George Edwards.

**Section 2.** That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P. P. No. 107-07-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 and part of a 12 foot alley vacated by City Ordinance 1937-38 in the Posen Subdivision of a part of Original One Hundred Acre Lot Nos. 375 and 376 as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and together being 30 feet front on the Northerly side of Kosciuszko Avenue, N.E., and extending back between parallel lines 105 feet to the center line of said vacated alley, as appears by said plat.

Subject to zoning ordinances, if any.

P. P. No. 107-07-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows:

To wit: Known as being Sublot No. 58 in the Posen Allotment of part of Original One Hundred Acre Lot Nos. 375 and 376 in said City, said Sublot No. 58 has a frontage of 35 feet on the Northerly side of Kosciuszko Avenue (formerly Hoffman Street) and extends 99 feet deep to an alley, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and that part of the Southerly half of a 12 foot alley lying Northerly of said Sublot No. 58, vacated by Ordinances of the City of Cleveland passed September 12, 1938 and being Ordinance No. 1937-38.

Subject to zoning ordinances, if any.

P. P. No. 107-07-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 and the Westerly 5 feet of Sublot No. 60 and the Southerly one-half of a vacated 12 foot alley, immediately to the rear, in Joseph Hoffman's "Posen" Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376 as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and together forming one parcel of land 40 feet front on the Northerly side of (Hoffman Street) now known as Kosciuszko Avenue and extending back of equal width 105 feet, as

appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1522-99.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Browns Race on September 11, 1999, sponsored by Hermes Sports & Events.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Cleveland Browns Run sponsored by Hermes Sports & Events, on September 11, 1999 starting at Erieside & W. 3rd St., go Erieside east to E. 9th St., E. 9th St. to Lakeside Avenue, Lakeside Avenue to W. 3rd St., W. 3rd St. to St. Clair Avenue, St. Clair Avenue to W. 9th St., W. 9th St. to Huron, Huron to E. 9th St., E. 9th St. to Erieside, Erieside to W. 3rd St. and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any

and all liability resulting from the issuance of the same, to the event and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1523-99.**

**By Councilman Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the 11th Congressional District Caucus to stretch banners at Stokes Boulevard at Cedar Road (westerly and easterly); and at Kinsman Avenue at East 113th Street (northerly and southerly) for the period of August 11, 1999 to September 11, 1999 inclusive, publicizing this special event.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the 11th Congressional District Caucus, to install, maintain and remove banners at Stokes Boulevard at Cedar Road (westerly and easterly; Cleveland Public Power Pole Numbers 88329 and 88330) and at Kinsman Avenue at East 113th Street (southerly and northerly; Cleveland Public Power Pole Numbers C30-2 and C30-30), for the period from August 11, 1999 to September 11, 1999, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 1468-99.**

**By Councilman Lewis.**

**An emergency resolution urging Congress to enact H.R. 623 amending the Energy Policy and Conservation Act to eliminate certain regulations concerning plumbing supplies.**

Whereas, Congress enacted the National Energy Policy and Conservation Act in 1992 to provide for the conservation of water throughout the United States; and

Whereas, pursuant to that Act, Congress mandated that only certain types of plumbing fixtures could be sold and installed post-1995, including low-flow toilets and particular showerheads; and

Whereas, some of the regulated plumbing fixtures have been found to be inefficient and ineffective in the effort to conserve water; and

Whereas, H.R. 623, currently pending in Congress, would amend the National Energy Policy and Conservation Act to eliminate some of the stringent regulations concerning the sale and installation of certain plumbing fixtures; now therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That the Council of the City of Cleveland urges Congress to enact H.R. 623 to amend the National Energy Policy and Conservation Act to eliminate some of the stringent regulations concerning the sale and installation of certain plumbing fixtures.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following members of Congress: Dennis Kucinich; Stephanie Tubbs Jones; George Voinovich and Mike DeWine.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Res. No. 1469-99.**

**By Councilmen Jackson, Coats, Westbrook, Lewis, Polensek, Rybka, Sweeney, Cintron, Cimperman, Zone, Jones, White, Robinson, Johnson, Britt, Patmon, Willis, Gordon, O'Malley, Melena and Dolan.**

**An emergency resolution urging the Administration, NAACP, Cleveland Police Department and the religious, civic, and business communities to support Cleveland City Council's request to the Administration to void any and all permits that would allow the KKK to rally on August 21, 1999.**

Whereas, the Ku Klux Klan (KKK) has applied for and was granted a permit to conduct a rally in downtown Cleveland on August 21, 1999; and



Whereas, the First Amendment of the United States Constitution protects the rights of free speech; and

Whereas, on the same date, August 21, 1999, the opening game for the Cleveland Browns football team will take place downtown in its new stadium, and the Black Family Expo is to take place downtown at the Cleveland Convention Center; and

Whereas, there could be over 100,000 people in downtown Cleveland on August 21, 1999; and

Whereas, the safety forces and resources of the City will be stretched to its limits on August 21, 1999, to provide for the safety and welfare of the City; and

Whereas, permits have not been granted for other events to take place on August 21, 1999 because of the demand on City resources and the Police Department; and

Whereas, recent publicity and media coverage have added to the adverse attitude to the KKK rally; and

Whereas, the NAACP and others are proposing a demonstration against the KKK at the same time, date, and place of the KKK rally; and

Whereas, recent controversies will add additional strain to the Police Department that will already be overextended on August 21, 1999; and

Whereas, the atmosphere of the City has become so charged and volatile since the original proper granting of the permit for the KKK's rally; and

Whereas, the presence of the KKK in Cleveland on August 21, 1999, along with the volatile atmosphere could result in disorder and violence; and

Whereas, the public safety and welfare is at risk if the KKK is allowed to rally on August 21, 1999; and

Whereas, at this time the public safety and welfare outweigh the KKK's right to rally on August 21, 1999; now, therefore

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That the Administration of the City of Cleveland is requested to void any and all permits that would allow the KKK to rally on August 21, 1999.

**Section 2.** That the NAACP, Cleveland Police Department, along with religious, civic, and business communities support Cleveland City Council's request to the Administration to void any and all permits that would allow the KKK to rally on August 21, 1999.

**Section 3.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to Mayor Michael R. White.

**Section 4.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1470-99.**

**By Councilman Polensek.**

**An emergency resolution withdrawing objection to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsmt., and repealing Res. No. 1739-98, objecting to said stock transfer.**

Whereas, this Council objected to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsmt., by Res. No. 1739-98, adopted September 28, 1998; and

Whereas, this Council wishes to withdraw its objection to the above stock transfer and consents to said stock transfer based upon and pursuant to a cooperation agreement signed July 15, 1999, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That objection to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1739-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1471-99.**

**By Councilman Zone.**

**An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3469 West 117th St., Suite A, 1st Fl. & Bsmt.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1240151-0005, owned by Capone's Tavern Inc., DBACapone's, 3469 West 117th St., Suite A, 1st Fl. & Bsmt., Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1472-99.**

**By Councilman Robinson.**

**An emergency resolution objecting to the issuance of a C1 and C2 Liquor Permit to 12408 Union Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 and C2 Liquor Permit to Permit No. 9152984, Union Beverage & Deli Inc., DBA Union Deli, 12408 Union Ave., - Cleveland, Ohio 44105; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the issuance of a **C1 and C2 Liquor Permit to Permit No. 9152984, Union Beverage & Deli Inc., DBA Union Deli, 12408 Union Ave., Cleveland, Ohio 44105,** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1473-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 466 E. 125th St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a **C1 and C2 Liquor Permit from Permit No. 6394819, Nick Muntaser Inc., DBA Independent Market, 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108,** to Permit No. **7638494, Sabry Inc., 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108;** and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **C1 and C2 Liquor Permit from Permit No. 6394819, Nick Muntaser Inc., DBA Independent Market, 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108,** to Permit No. **7638494, Sabry Inc., 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108,** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1474-99.**

**By Councilman Johnson.**

**An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 3111 E. 93rd St.**

Whereas, Council has been notified by the Director of Liquor Con-

trol of an application for the stock transfer of a **C2 and C2X Liquor Permit to Permit No. 5235615, Little Eagle Inc., DBA Little Eagle, 3111 East 93rd Street, Cleveland, Ohio 44104;** and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the stock transfer of a **C2 and C2X Liquor Permit to Permit No. 5235615, Little Eagle Inc., DBA Little Eagle, 3111 East 93rd Street, Cleveland, Ohio 44104,** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1475-99.**  
**By Councilman Zone.**  
**An emergency resolution objecting to the renewal of a C1 Liquor Permit at 3477-79 W. 117th St., 1st Fl.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 2691195, Ferran Corp., DBA Sunshine Market, 3477-79 W. 117th St., 1st Fl., Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1476-99.**  
**By Councilman Rybka**  
**An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 5407 Fleet Ave., 1st Fl. & Bsmt.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 3160622, owned by Ghazi Corp., DBA Ghazi Market, 5407 Fleet Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1477-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3153 W. 73rd St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 6459673, Nour Corp., DBARite Shop, 3153 W. 73rd St., Cleveland, Ohio 44102, to Permit

No. 8861048, 3135 W. 73rd St., Inc., 3153 W. 73rd St., Cleveland, Ohio 44102; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 6459673, Nour Corp., DBA Rite Shop, 3153 W. 73rd St., Cleveland, Ohio 44102, to Permit No. 8861048, 3135 W. 73rd St., Inc., 3153 W. 73rd St., Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1478-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 10630 Berea Road rear, 2nd Fl. & Patio.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **D5 and D6 Liquor Permit, Permit No. 8840360003**, owned by **10630 Berea Road Inc., DBAU41A Bar 3, 10630 Berea Road rear, 2nd Fl. & Patio**, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1479-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 11213-15 Detroit Avenue, 1st Fl., Bsmt. and Patio.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 2472235**, owned by **11213 Detroit Avenue Inc., 11213-15 Detroit Ave., 1st Fl., Bsmt. and Patio**, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1480-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 9501 Denison Ave., 1st Fl.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit

business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **D5 and D6 Liquor Permit, Permit No. 4410995**, owned by **Junak Enterprises, Inc., DBAAndy's Hot Spot, 9501 Denison Ave., 1st Fl., Cleveland, Ohio 44102**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1481-99.**  
**By Councilman Coats.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 831 E. 140th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a **C1 Liquor Permit** from Permit No. **3700511, Sabrina A. Head, DBAEast 140th Food & Beverage, 831 E. 140th St.**, Cleveland, Ohio 44110, to Permit No. **0300140, Aspinwall Market Inc., DBA Ten Market, 831 E. 140th St.**, Cleveland, Ohio 44110; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **C1 Liquor Permit** from Permit No. **3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 E. 140th St., Cleveland, Ohio 44110**, to Permit No. **0300140, Aspinwall Market Inc., DBA Ten Market, 831 E. 140th St., Cleveland, Ohio 44110** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1482-99.**  
**By Councilman Melena.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3228 W. 65th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a **C1 Liquor Permit** to Permit No. **4289576, Jime Corp., DBA Shop 4 Less, 3228 W. 65th St., Cleveland, Ohio 44102**; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the issuance of a **C1 Liquor Permit** to Permit No. **4289576, Jime Corp., DBA Shop 4 Less, 3228 W. 65th St., Cleveland, Ohio 44102**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1483-99.**  
**By Councilman Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 4409 Payne Ave., 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a **C2 and C2X Liquor Permit** from Permit No. **5382960, M & L Salami Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103**, to Per-

mit No. **0072688, Affs Market Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103**; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **C2 and C2X Liquor Permit** from Permit No. **5382960, M & L Salami Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103**, to Permit No. **0072688, Affs Market Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1484-99.****By Councilman Cimperman.**

**An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 1229 W. Sixth St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a **D1, D2, D3, D3A and D6 Liquor Permit** to Permit No. 1840154, CRVInc., 1229 W. Sixth St., 1st Fl. & Bsmt., Cleveland, Ohio 44114; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the stock transfer of a **D1, D2, D3, D3A and D6 Liquor Permit** to Permit No. 1840154, CRVInc., 1229 W. Sixth St., 1st Fl. & Bsmt., Cleveland, Ohio 44114 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1485-99.****By Councilman Zone.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 13000 Lorain Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a **D5 Liquor Permit** from Permit No. 1038334, Bru-Lop Corp., DBACornerstone Tavern, 1300 Lorain Ave. & Bsmt., Cleveland, Ohio 44111, to Permit No. 9055615, Thirteen Thousand Lorain Inc., DBA Cornerstone Cafe, 13000 Lorain Ave., Cleveland, Ohio 44111; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **D5 Liquor Permit** from Permit No. 1038334, Bru-Lop Corp., DBACornerstone Tavern, 1300 Lorain Ave. & Bsmt., Cleveland, Ohio 44111, to Permit No. 9055615, Thirteen Thousand Lorain Inc., DBA Cornerstone Cafe, 13000 Lorain Ave., Cleveland, Ohio 44111; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**Res. No. 1486-99.****By Councilman Willis.**

**An emergency resolution objecting to the renewal of a C1 Liquor Permit at 11025 Ashbury Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **C1 Liquor Permit**, Permit No. 09784490005, owned by Brooklyn Corner Foods Inc., 11025 Ashbury Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 257-99.**

By Councilmen Robinson, Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the City of Cleveland's municipal parking lot between East 139th - East 140th Streets and Kinsman Avenue to Mt. Pleasant Now Development Corporation.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 957-99.**

By Councilman Westbrook.

An emergency ordinance to amend Sections 603.02, 604.01, 604.03 and 604.04, and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to vicious dogs.

Approved by Directors of Public Safety, Finance, Law; Recommended by Committees on Public Safety, Legislation, Finance; when amended as follows:

1. In the title, line 2, after "604.01" insert **"604.02"**.

2. In Section 1, between lines 6 and 7, and in Section 2, between lines 6 and 7, insert the following:

**"Section 604.02, as amended by Ordinance No. 2884-89, passed December 4, 1989."**

3. In Section 1, in existing line 6 and in Section 2, in existing line 6, strike "June 16" and insert in lieu thereof **"June 19"**.

4. In Section 1, at Section 603.02(a), at the end, strike the period and insert in lieu thereof **"except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harbinger, or a handler."**

5. In Section 1, at Section 604.01, strike division(k)(3) in its entirety and insert in lieu thereof the following:

**"(3) Belongs to a breed that is commonly known as a 'pit bull' dog, the ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog."**

6. In Section 1, after the text of Section 604.01, insert the following:

**"Section 604.02 Exemptions"**

**(a) The provisions of this chapter shall not include a police dog.**

**(b) Notwithstanding the definition of a vicious dog in Section 604.01, no dog may be declared vicious if:**

**(1) An injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;**

**(2) An injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog or was trespassing upon premises occupied by the owner or keeper of the dog; or**

**(3) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.**

**(4) The dog is:**

**A. within the confines or on the property of the Cleveland Convention Center as defined in Section 133.12 or other premises classified as assembly use structures under Group A-3 of the Ohio Basic Building Code; and**

**B. under the control and supervision of an owner who has entered the dog in a show or exhibition in the premises described in division (b)(4)A. of this section.**

**(c) The owner, keeper or harbinger of a vicious or dangerous dog is not liable in damages for any injury, death or loss to person or property caused by such dog, if such injury, death or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog or the owner, keeper or harbinger's property.**

**(d) Dogs conforming to division (k)(3) of Section 604.01 that are not in violation of divisions (k)(1) or (k)(2) of Section 604.01, that have successfully completed any of the following title certificates, awarded from any of the authorized agencies, shall be exempt from this section.**

**(1) The owner of the dog shall provide a copy of the certificate to the Dog Warden, who shall keep the certificate on file. The certificate must contain the name of the individual dog, the name of the owner, and a date noting when the title certificate was successfully completed.**

**(2) The owner shall submit a photograph of the dog to the Dog Warden, who shall keep the photograph on file.**

**(3) The owner, keeper or harbinger shall have the dog tattooed or microchipped to secure positive identification, and shall submit to the Dog Warden the microchip implantation number or tattoo number assigned to the dog. The Dog Warden shall keep the documentation on file.**

**(4) The owner shall submit proof of a valid County License tag to the Dog Warden at time of application for exemption status.**

**(e) Acceptable Title certificates are:**

**(1) Companion Dog;**

**(2) Canine Good Citizen;**

**(3) Temperament Test.**

**(f) Authorized agencies are any member or sanctioned Kennel, Obedience, or Specialty club that is authorized to hold conformation or obedience shows under the official guidelines as set forth by the American Kennel Club, United Kennel Club, or Canadian Kennel Club, or the American Temperament Test Society.**

**(g) The Dog Warden, upon receiving all documentation pertinent to the exemption status, shall issue such dog an exemption tag. The exemption tag fee is Ten Dollars (\$10.00).**

**(h) The owner of an exempted dog shall securely fasten the exemption tag to a substantial collar worn by such dog at all times. A valid County license tag shall also be affixed to such collar at all times. Such collar and tags may only be removed if said dog is:**

**(1) Actively engaged in lawful hunting, or**

**(2) The dog is competing in a dog show or other event where event rules prohibit the dog from wearing a collar and/or tags, or**

**(3) The dog is confined as defined in division (a) of Section 604.03.**

**(i) The fee charged for replacement of a lost exemption tag shall be Five Dollars (\$5.00)."**

7. In Section 1, at Section 604.03, strike lines 5 and 6 in their entirety and insert in lieu thereof the following: **"is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harbinger, or a handler"**.

8. In Section 1, at Section 604.03, strike division (a) in its entirety; lines 1, 2, 3 and 4 of division (b); and division (d) in its entirety, and insert, respectively, in lieu thereof the following:

**"(a) While the dog is on the premises of the owner, keeper, harbinger or handler, it must be securely confined indoors, or in a locked pen which has a top, the dimensions of which should be at least five feet by ten feet, and must have secure sides and a secure top. If such structure should have no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. Such structure must be suitable to prevent the entry of young children and designed to prevent the dog from escaping, or in a locked fenced yard which fence is at least six feet high. Any enclosure must provide protection from the elements for the dog.**

**(b) While the dog is off the premises of the owner, keeper or harbinger, keep it on a substantial collar and leash or tether not exceeding six feet in length and additionally shall do the following:**

**(d) A dog declared to be dangerous or vicious by violating division (b) of Section 604.01 or divisions (k)(1) or (k)(2) of Section 604.01 shall, at the expense of such owner, keeper, or harbinger, be tattooed or microchipped to secure positive identification."**

9. In Section 1, at Section 604.04 insert a new division (c) to read as follows:

**"(c) Upon request of the Dog Warden, the owner of a vicious dog shall produce proof of liability insurance forthwith. Failure to furnish proof of liability insurance may result in the impounding of the dog by the Dog Warden until such proof is furnished;"**

and reletter existing divisions (c) and (d) to new divisions **"(d)"** and **"(e)"**.

10. In Section 1, at existing Section 604.04(c), at the end after the period insert the following: **"Such sign should also include a visual symbol for any children or people who cannot read words."**

11. In Section 1, at Section 604.99(a), at the end after the period insert the following: **"For repeat offenders of animal control laws under Sections 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior."**

12. In Section 1, at Section 604.99, insert new divisions (d), (e), (f), (g), and (h) to read, respectively, as follows:

**(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.**

(e) Any owner that is found to be in violation of division (d) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(f) Any owner that is found to be in violation of division (h) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(g) Any owner found to own, keep, or harbor a dog wearing a fictitious, altered, or invalid exemption tag shall be found guilty of a misdemeanor of the first degree.

(h) Any exempted dog conforming to division (k)(3) of Section 604.01 that is found to be in violation of divisions (k)(1) or (k)(2) of Section 604.01 shall forfeit its exemption status permanently;

and reletter existing divisions (d), (e), (f) and (g), respectively, to new divisions "(i)", "(j)", "(k)" and "(l)". Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1119-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service, for a period of one year, with one option to renew for one consecutive year.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1206-99.**

By Councilman Jackson.

An emergency ordinance authorizing the Director of Public Service to issue a permit to AES Management Corporation to encroach into the right-of-way of Shepard Ct. S.E.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1258-99.**

By Councilman Johnson (by departmental request.)

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install security equipment, for the Director of Finance, on behalf of the Clerk of Courts, for a period not to exceed two years.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1259-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to clean and test insulators, bushings and lightning arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1260-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to provide landscaping and

snow removal services at various locations, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1261-99.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for the service, repair and maintenance for voice recording equipment, for the various divisions of the Department of Port Control, for a period not to exceed two years.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1262-99.**

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Rockwell Avenue N.E. hereinafter described.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1263-99.**

By Councilman Cintron.

An emergency ordinance to vacate a portion of Star Court S.W. hereinafter described.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1264-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various automobile, van and truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1265-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Public Health Service, Department of Health and Human Services for the Metropolitan Medical Response System Development Program and to enter into contract for the purchase of equipment and training services for the Program.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1267-99.**

By Councilmen Gordon, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on West 46th Street and West 47th Street to Rysar Properties, Inc.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance, when amended as follows:

1. In the Title, at line 5, delete "Rysar Properties, Inc.", and add in lieu thereof, "Old Brooklyn Community Development Corporation, or its designee."; and,

2. In Section 2, at line 3, delete "Rysar Properties, Inc.", and add in lieu thereof, "Old Brooklyn Community Development Corporation, or its designee."

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1268-99.**

By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with United Chrysalis, LTD to provide economic development assistance to acquire and renovate real property at 1294 East 55th Street, Cleveland, Ohio.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1269-99.**

By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Chrysalis, LTD to provide for a ten year abatement for real estate taxes as an incentive to acquire and renovate real property located at 1294 East 55th Street located in the Cleveland Area Enterprise Zone.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1288-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more architects and/or engineers or one or more firms of architects and/or engineers, to provide professional services to assist in the design and construction of capital projects for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance, when amended as follows:

1. Insert a new Section 2 to read as follows:

"Section 2. That the Director of Public Utilities shall provide a report to the Clerk of Council on the architects and/or engineers selected under this ordinance and shall also provide a biannual report to the Clerk of Council with respect to the progress of capital projects."

2. Renumber existing Sections 2 and 3 as new "Section 3" and "Section 4".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.



**SECOND READING EMERGENCY  
RESOLUTION ADOPTED**

**Res. No. 1207-99.**

By Councilman Jackson.

An emergency resolution declaring the intention to vacate portions of East 82nd Street and Betts Court S.E.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Adopted. Yeas 18. Nays 0.

**MOTION**

By Councilman Gordon, seconded by Councilman Cimperman and unanimously carried that the absence of Councilman Patricia J. Britt, Councilman Kenneth L. Johnson, and Councilman Edward W. Rybka be and is hereby authorized.

The Council adjourned at 6:25 p.m. to meet on Monday, September 13, 1999, at 7:00 p.m.



Clerk of Council

**THE CALENDAR**

The following measures will be on their final passage at the next meeting:

NONE

**BOARD OF CONTROL**

August 11, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 11, 1999, at 11:00 a.m., with Director Carter presiding.

Present: Director Carter, Directors Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Absent: Mayor White, Directors Warren and Axelrod.

Others: Myrna Branche, Acting Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 531-99.**

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 737.41 of the Ohio Revised Code, passed November 11, 1994, and Ordinance Nos. 1249-95 and 275-97, passed by the Cleveland City Council on September 25, 1995 and March 24, 1997, respectively, Syscon Justice Systems, Ltd. is hereby selected upon nomination of the Director of Finance from a list of data processing services firms, determined after a full and complete canvass by the Director of Finance as qualified and available to be employed by contract for the purpose of obtaining the professional services and software necessary to automate the creation of and the retrieval of information related to the monitoring of probationers' progress toward

compliance with probation conditions ordered by the court, and to achieve Year 2000 compliance.

Be it further resolved that the Director of Finance, on behalf of the Cleveland Municipal Court, hereby is requested to enter into a written contract with Syscon Justice Systems, Ltd. for such services and products based on its proposal dated March 20, 1998, except as herein modified, which contract shall provide that the fee shall not exceed \$244,697.00, shall be prepared by the Director of Law, and shall include such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 532-99.**

By Director Balraj.

Resolved, by the Board of Control of the City of Cleveland that the bid of Dicar Corporation for the following: Bunker Gear Suits (Items No. 1, 2, 3, 4A, 5 and 6B) for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 30th day of October 1998, pursuant to the authority of Ordinance No. 609-98, passed June 15, 1998 which on the basis of the order quantity would amount to \$20,631.00 is hereby approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into contract for such items.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 533-99.**

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 788-99, passed June 14, 1999, by the Council of the City of Cleveland, the Director of Parks, Recreation and Properties is authorized to lease property located at 5806 Clark Avenue, Cleveland, Ohio, 44102, also known as Permanent Parcel Number 006-16-006, from Michalske Printing Company, for a term of ten years, with two options to renew for additional ten year terms, for the public purpose of developing additional parking for the Clark Recreation Center; and

Whereas, said Ordinance No. 788-99 provided that the rent for the lease shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 788-99, passed by the Council of the City of Cleveland on June 14, 1999, the Director of Parks, Recreation and Properties, is hereby authorized to lease property located at 5806 Clark Avenue, Cleveland, Ohio, 44102, also known as Permanent Parcel Number 006-16-006, from Michalske Printing Company, for a term of ten years, with two options to renew for additional ten year terms, for the public purpose of developing additional parking for the Clark Recreation Center and that the rent for the lease is hereby fixed at One Dollar

(\$1.00) per year, which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland and Director of Parks, Recreation and Properties are authorized to complete and execute any documents necessary and appropriate to effect the consent to the lease hereby approved, which documents shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect and benefit the public interest.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 534-99.**

By Director Jackson.

Whereas, Resolution No. 120-99 adopted March 10, 1999, authorized the Director of Parks, Recreation and Properties to enter into contract with WTW Architects for the consulting services necessary for the Highland Park Cemetery Main Office Building Renovation; and

Whereas, WTW Architects declined to execute a contract to provide these services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1422-98 passed by the Council of the City of Cleveland on December 7, 1998, the firm of Ralph Tyler, Inc. is hereby selected upon the nomination of the Director of Parks, Recreation and Properties, to provide the architectural and engineering services necessary for the Highland Park Cemetery Main Office Building Renovation.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract with Ralph Tyler, Inc. based upon its proposal dated January 15, 1999, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Thirty Eight Thousand Five Hundred and No/100 Dollars (\$38,500.00). Reimbursable expenses shall not exceed Six Thousand Four Hundred and No/100 Dollars (\$6,400.00). The total compensation to the Consultant shall not exceed Forty Four Thousand Nine Hundred and No/100 Dollars (\$44,900.00).

Be it further resolved that Resolution No. 120-99 adopted by the Board of Control of the City of Cleveland on March 10, 1999 authorizing the Director of Parks, Recreation and Properties to enter into contract with WTW Architects is hereby rescinded.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 535-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 133-22-016 (Northern part of) located at East 88th Street in Ward 2; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Shafone Palmer, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Shafone Palmer for the sale and development of Permanent Parcel No. 133-22-016 (Northern part of) located at East 88th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 536-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 133-22-016 (Southern part of) located at East 88th Street in Ward 2; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, David Williams, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with David Williams for the sale and development of Permanent Parcel No. 133-22-016 (Southern part of) located at East 88th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 537-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 120-05-018 located at 12001-03 Oakland Avenue in Ward 9; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Pearlle Williams, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the

City of Cleveland, with Pearlle Williams for the sale and development of Permanent Parcel No. 120-05-018 located at 12001-03 Oakland Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 538-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 135-18-144 located at rear of 10013 Prince Avenue in Ward 2; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Frank Banks and Alma S. Banks, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 2 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Frank Banks and Alma S. Banks for the sale and development of Permanent Parcel No. 135-18-144 located at rear of 10013 Prince Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 539-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 008-14-063 located at 1067 Holmden Avenue, S.W., in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Edward L. Reynolds, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Edward L. Reynolds for the sale and development of Permanent Parcel No. 008-14-063 located at 1067 Holmden Avenue, S.W., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 540-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 004-03-052 and 004-03-053 located at 2205 and 2197 West 20th Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization

Program parcels to adjacent or abutting landowners; and

Whereas, Isreal Colon and Aida Vega, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Isreal Colon and Aida Vega for the sale and development of Permanent Parcel Nos. 004-03-052 and 004-03-053 located at 2205 and 2197 West 20th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$1.00 (each), which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 541-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 007-29-109 located at 3850 Newark Avenue in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Carmelo Ciriclo, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976,

the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Carmelo Ciriclo for the sale and development of Permanent Parcel No. 007-29-109 located at 3850 Newark Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 542-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 003-33-301, 003-33-302, 003-33-305, 003-33-306, 003-33-307, 003-33-308, 003-33-309, 003-33-310, 003-33-313, 003-33-314, 003-33-316, 003-33-317, and 003-33-318 under said Land Reutilization Program; and

Whereas, Ordinance No. 796-99 passed July 14, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ohio City/Near West Development Corporation or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 796-99 passed July 14, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Ohio City/Near West Development Corporation or designee for the sale and development of Permanent Parcel Nos. 003-33-301, 003-33-302, 003-33-305, 003-33-306, 003-33-307, 003-33-308, 003-33-309, 003-33-310, 003-33-313, 003-33-314, 003-33-316, 003-33-317, and 003-33-318, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

**Resolution No. 543-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reuti-

lization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 109-04-028, 109-04-072, 109-14-008, 109-14-009, 109-14-010, 109-14-047, 109-14-077, 109-14-107, and 109-14-108 under said Land Reutilization Program; and

Whereas, Ordinance No. 1061-99 passed July 14, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Church of Christ has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1061-99 passed July 14, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Church of Christ for the sale and development of Permanent Parcel Nos. 109-04-028, 109-04-072, 109-14-008, 109-14-009, 109-14-010, 109-14-047, 109-14-077, 109-14-107, and 109-14-108, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Acting Directors Borokhovich, Owens, Director Whitlow, Acting Directors Smith, Miller, Directors Hudecek and Patterson.

Nays: None.

Absent: Mayor White, Directors Warren and Axelrod.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

FREDDIE J. FENDERSON,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 30, 1999

9:30 A.M.

**Calendar No. 99-192:** 570 East 105th Street, a.k.a. 564-567 East 105th Street, a.k.a. 540 East 105th Street (Ward 8)

Shore Bank Enterprise Group, owners c/o Diane Swander, appeals to replace 145 linear feet of 6' high wooden fencing with 145 linear feet of 6' high landscape screening on the west side of the said property at 570 East 105th Street, a.k.a. 564-567 East 105th Street and a.k.a. 540 East 105th Street, located in a Multi-Family District; said proposed installation being contrary to the Off-Street Loading and Parking Requirements where 6' high landscape screening is required and a board on board fence is required and was approved in Board of Zoning Appeals Calendar No. 98-105 and requires the Board of Zoning Appeal approval as stated in Section 349.13 of the Codified Ordinances.

**Calendar No. 99-204:** 811 Jefferson Avenue, a.k.a. 807 Jefferson Avenue (Ward 13)

Urban Housing Ltd. Partnership, owner c/o Doug Perkowski, agent, appeal to construct a 44'-8" x 93'-4" two-story masonry office building on a 66' x 150' parcel located in a General Retail District on the southwesterly side of Jefferson Avenue at 811 Jefferson Avenue, a.k.a. 807 Jefferson Avenue; said construction being contrary to the Off-Street Parking and Loading Requirements of Section 349.04(g) where 17 parking spaces are required and 6 are proposed, and Section 349.07(3) where the maximum width of driveway permitted is 30' and an apron radius at the curb of not less than 6' and 4' is proposed, and contrary to the Landscaping and Screening Requirements where an 8' landscaping strip is required at the rear southwest corner and the southeast corner between the existing Two-Family District and the General Retail District and 5' is required as stated in Section 352.08, 352.09, 352.10 and 352.11 of the Codified Ordinances.

**Calendar No. 99-205:** 7300 Clark Avenue (Ward 18)

Albert Seidowski, owner, appeals to construct approximately 300 linear feet of 6' high chain link fencing 1' off the property line of a 129' x 154' parcel located in a General Retail District on the north side of Clark Avenue between West 73rd and West 74th Streets at 7300 Clark Avenue; said construction being contrary to the Yards and Courts Regulations where the proposed height of fence within the 10' setback on Clark Avenue is 6' and the proposed height of fence within the 5' setback on West 73rd and West 74th Streets is 6' and the maximum height of fencing permitted is 4'-6" as stated in Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 99-206:** 2375 East 61st Street (Ward 5)

Gabriel's Green Limited Partnership, owner, and Tesco Building

Inc. c/o Delores Graham, appeal to construct a 26' x 26' two-story, single family dwelling house with full basement and a 12' x 24' one-story detached private garage on a 40' x 160' lot located in a B-Multi-Family District on the east side of East 61st Street at 2375 East 61st Street; said construction being contrary to the Front Yard Regulations of Section 357.09(b)(2)A, where no building shall be erected less than 10' from an adjoining lot and approximately 8' is proposed from the dwelling to the north of the property in question known as 2361 East 61st Street and contrary to the Residential District Regulations where the proposed garage shall be located on the rear half of the lot as stated in Section 337.23(a) of the Codified Ordinances.

**Calendar No. 99-207:** 781 East 185th Street (Ward 11)

Jane Boltz and Olga Stech, owners, appeal to expand an existing 20' x 62' tavern to 42' x 62' by removing the first floor dwelling unit located to the rear of an existing barber shop, with the two dwelling units on the second floor to remain, and all located in a 42' x 62' stores and suites building situated on a 50' x 109' parcel in a Local Retail District on the east side of East 185th Street at 781 East 185th Street; said proposed use and expansion for a tavern with entertainment being contrary to the restrictions of Section 343.01(b)F that pertain to a Local Retail District and to the requirements for accessory off-street parking, where 0 spaces are proposed and 17 spaces are required pursuant to Section 349.01 of the Codified Ordinances.

**Calendar No. 99-210:** 401 Euclid Avenue, a.k.a. 402-508 Superior Avenue (Ward 13)

Cleveland Arcade Ltd. Partners, owner, and Old Arcade, LLC, prospective purchaser, and Hyatt Hotels Corporation, tenant, and Kevin Dreyfuss-Wells, agent, appeal to change the use of an existing approximate 397' x 181' ten-story irregular shaped masonry arcade building into a ten-story hotel and resort building, situated on an approximate 451' x 181' irregular shaped parcel in a General Retail Business District and the Central Business District between Superior Avenue and Euclid Avenue at 401 Euclid Avenue, a.k.a. 402-508 Superior Avenue; said change of use being contrary to the Yards and Courts Regulations, where a 0' interior side yard and rear yard are provided and the required interior side yards and rear yard shall not be less than 5' as stated in Section 357.01(a) of the Codified Ordinances.

**Calendar No. 99-222:** 1127 Euclid Avenue, a.k.a. 1111-1131 Euclid Avenue (Ward 13)

Statler Arms Inc., owner, and Eric Pempus, agent, appeal to change the use of an existing approximate 379' x 104' twelve-story rectangular shaped masonry office building into a twelve-story apartment building situated on an approximate 379' x 104' rectangular shaped parcel located in a General

Retail Business District and the Central Business District at the northwest corner of East 12th Street and Euclid Avenue at 1127 Euclid Avenue Statler Tower, a.k.a. 1111-1131 Euclid Avenue Statler Tower; said change of use being contrary to the Area Requirements Regulations of Section 355.04 where the total floor area permitted is 326,135.25 square feet and 553,029 square feet are provided and contrary to Yards and Courts Regulations of Sections 357.03 and 357.08 where a 30' rear yard is required and 0' are provided and Section 357.05(a) where a 5' side street line setback is required and 0' are provided and 0' interior side yards are provided and the required interior side yards shall not be less than 5' as stated in Section 357.09(2)(B) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 16, 1999

At the meeting of the Board of Zoning Appeals on Monday, August 16, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**:

**Calendar No. 99-188:** 9713 Easton Avenue

Barbara B. Malloy, owner, appealed to construct a 24' x 30' one-story wood frame, two car garage on a 35' x 142' parcel in a Two-Family District.

**Calendar No. 99-194:** 3619 Memphis Avenue

Robert A. Yalanty, owner, appealed to change the use of an existing one-story masonry service station building into an automotive repair garage in a Two-Family District.

**Calendar No. 99-195:** 5316 Fleet Avenue

Joseph Fortuna, owner, appealed to construct a 26' x 36' garage for parking of vehicles related to Funeral Home Business on an approximate 120' x 215' corner parcel located in split zoning between Local Retail and Two-Family Districts.

**Calendar No. 99-196:** 4499 Warner Road

Nick Giurukis, owner, and Mike Murray c/o Parma Lumber, agent, appealed to construct a 24' x 24' accessory garage on an approximate 155' x 205' parcel in a General Retail Business District; approval subject to submission and approval of required plan showing landscaping details.

The following appeals were **Postponed**:

**Calendar No. 99-189:** 15721 Waterloo Road postponed to September 13, 1999.

**Calendar No. 99-190:** 1946 St. Clair Avenue postponed to October 4, 1999.

**Calendar No. 99-191:** Appeal of Slavic Village Development Corporation postponed to September 13, 1999.

The following appeals were **Withdrawn**:

**Calendar No. 99-104:** 2704 Clark Avenue

Gerald Zahler, owner, and Around the Clock Day Care c/o Tim Renfro, tenant, appealed to change the use of an existing 52' x 136' portion of an existing 152' x 144' one-story masonry retail building into a day care center in a General Retail District.

**Calendar No. 99-164:** 2983 Hampton Road

Rysar Properties appealed to construct a 53' x 42' one family two-story dwelling house with an attached garage on an approximate 123' x 63' parcel in a One-Family District.

The following appeal was **Dismissed**:

**Calendar No. 99-163:** 782 Brayton Avenue

Guy Templeton Black, owner, appealed to change the use of an existing 10' x 40' mobile home situated on a 30' x 70' parcel in a Two-Family District.

**On Monday, August 16, 1999, in Executive Session:**

The following appeals were heard on Monday, August 9, 1999, and said decisions were approved and adopted by the Board on August 16, 1999:

The following appeals were **Approved**:

**Calendar No. 99-179:** 2925 Chatham Avenue

Bruce Hedderson, owner, appealed to construct a 55' x 20' two-story, single family dwelling house with an attached garage on a 59' x 32' parcel in a Two-Family District.

**Calendar No. 99-181:** 3440-3442 West 117th Street

Eduardo Galindo, owner, appealed to construct an asphalt parking lot for 15 spaces for accessory to an existing restaurant on a 35' x 105' corner parcel in a General Retail Business District.

**Calendar No. 99-183:** 617 Literary Road

Tremont Ridge Phase I Limited Partnership, owner c/o Keith Sutton, appealed to erect a three-story, two family dwelling house with full basement and a 20' x 20' detached private garage in a B-Multi-Family District.

**Calendar No. 99-197:** 4545 Johnston Parkway

Scovill/Hanna LLC, owner, and Mike Curtis c/o Curtis/Layer General contractors, agent, appealed to construct an approximate 200' x 145' one-story masonry and metal

pre-engineered building addition and a 21' wide x 45' long at grade connector to an existing one-story building in a Semi-Industry District at 4535 Johnston Parkway.

**Calendar No. 99-121:** 4220 Pearl Road

John Lozios, owner, and Zarembo Group LLC c/o John Wojtila, agent, and CVS Pharmacy, purchaser, appealed to construct a 75' x 135' 10,125 sq. ft. One-story masonry (CVS Pharmacy) building and an 84 car parking lot on an approximate 300' x 500' corner parcel in split zoning between General Retail Business and Multi-Family Districts; subject to submission and approval of improved plan with descriptive detail on landscaping, screening of dumpster and safety bollards.

**Calendar No. 99-147:** 5315 Fleet Avenue

Jennifer Thompson, owner, appealed to construct approximately 26 linear feet of 4'-6" wooden fencing to the front, 20 linear feet of 6'-0" wooden fencing to the west, 52 linear feet of 6'-0" wooden fencing to the east and 47 linear feet of 6'-0" wooden fencing to the rear of property situated on a 40' x 130' parcel in a Local Retail District; approval with height of fencing in the setback lowered to 4'6".

The following appeals were **Denied**:

**Calendar No. 99-185:** 1294 West 112th Street

John Barrick, owner, appealed to construct a 20' x 22' one-story garage addition adjacent to an existing 22' x 22' one-story garage both on a 50' x 140' parcel in a Two-Family District.

**Calendar No. 99-186:** 6602 Superior Avenue

Joseph Stokes, owner, and Demetrious Davis, tenant, appealed to alter and change the use of an existing 44' x 29' one-story masonry building into a car wash on a 75' x 126' corner parcel in a Local Retail Business District.

EUGENE CRANFORD, JR.,  
Secretary

### REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

### PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

### NOTICE OF PUBLIC HEARING

NONE

**CITY OF CLEVELAND BIDS****For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**THURSDAY, AUGUST 26, 1999**

**Continental Airlines — Cleveland 2000 — Bid Package 21 — Parking Facilities Pavement Rehabilitation**, for the Department of Port Control.

PLANS AND SPECIFICATIONS ARE AVAILABLE THROUGH MORSE DIESEL INTERNATIONAL FOR THE AMOUNT OF \$100.00. BIDS WILL BE RECEIVED UNTIL 3:00 P.M., THURSDAY, AUGUST 26, 1999 AT CONTINENTAL AIRLINES, INC., CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135, ATTN: FRANK ROETZEL.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, AUGUST 19, 1999, 10:00 A.M. IN THE CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135. PLEASE DIRECT ALL QUESTIONS TO MORSE DIESEL INTERNATIONAL, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135, (216) 265-4880.

August 11, 1999 and August 18, 1999

**FRIDAY, AUGUST 27, 1999**

**Hydraulic Cylinder Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 789-99, passed by the Council of the City of Cleveland, June 7, 1999.

**Tire Recapping**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 792-99, passed by the Council of the City of Cleveland, June 7, 1999.

August 11, 1999 and August 18, 1999

**THURSDAY, SEPTEMBER 2, 1999**

**Stop Cock Boxes**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

**Copper Pipe**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

**Installation, Maintenance and Repair of Fencing**, for the various division of the Department of Port Control, as authorized by Ordinance No. 949-99, passed by the Council of the City of Cleveland, June 14, 1999.

August 11, 1999 and August 18, 1999

**FRIDAY, SEPTEMBER 3, 1999**

**Replacement Fencing at Various Baseball Diamonds and Fields**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1777-97, passed by the Council of the City of Cleveland, October 13, 1997.

**One (1) Single Axle Cab/Chassis with Dump Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 23, 1998.

August 11, 1999 and August 18, 1999

**THURSDAY, SEPTEMBER 2, 1999**

**Labor and Materials to Repair and/or Replace Roofs**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 534-94, passed by the Council of the City of Cleveland, June 6, 1994.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, AUGUST 26, 1999, 11:00 A.M. AT THE OFFICE OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.**

August 18, 1999 and August 25, 1999

**THURSDAY, SEPTEMBER 9, 1999**

**Residential Sound Insulation Program, Phase II Continuation, Contract G-99**, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 18, 1998.

A **DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS**

**ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

A **MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, AUGUST 31, 1999, 12:30 P.M. LOCAL TIME IN THE MAIN CONFERENCE ROOM, CLEVELAND INTERNATIONAL AIRPORT, 2ND FLOOR ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, 5300 RIVERSIDE DRIVE.**

August 18, 1999 and August 25, 1999

**FRIDAY, SEPTEMBER 10, 1999**

**Rental of Heavy-Duty Equipment and Operators**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1065-99, passed by the Council of the City of Cleveland, June 14, 1999.

**Fire Extinguishing Agents**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1068-99, passed by the Council of the City of Cleveland, June 14, 1999.

**Year 2000 Criminal and Civil Filing System**, for the Department of Finance, on behalf of the Cleveland Municipal Clerk of Courts, as authorized by Ordinance No. 1276-99, passed by the Council of the City of Cleveland, July 14, 1999.

August 18, 1999 and August 25, 1999

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 1207-99.****By Councilman Jackson.**

**An emergency resolution declaring the intention to vacate portions of East 82nd Street and Betts Court S.E.**

Whereas, this Council, is satisfied that there is good cause to vacate portions of East 82nd Street and Betts Courts S.E., as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the council of the City of Cleveland:

**Section 1.** That it hereby declares its intention to vacate the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

**EAST 82ND STREET** (50.00 feet wide), extending Southerly from the Southerly line of Holton Avenue S.E. (40 feet wide), to its Southerly terminus.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of:

**BETTS COURT S.E.** (11.00 feet wide), extending Easterly from the Easterly line of East 82nd Street (50 feet wide), to the Westerly line of East 83rd Street (50 feet wide).

**Section 2.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1468-99.**

**By Councilman Lewis.**

**An emergency resolution urging Congress to enact H.R. 623 amending the Energy Policy and Conservation Act to eliminate certain regulations concerning plumbing supplies.**

Whereas, Congress enacted the National Energy Policy and Conservation Act in 1992 to provide for the conservation of water throughout the United States; and

Whereas, pursuant to that Act, Congress mandated that only certain types of plumbing fixtures could be sold and installed post-1995, including low-flow toilets and particular showerheads; and

Whereas, some of the regulated plumbing fixtures have been found to be inefficient and ineffective in the effort to conserve water; and

Whereas, H.R. 623, currently pending in Congress, would amend the National Energy Policy and Conservation Act to eliminate some of the stringent regulations concerning the sale and installation of certain plumbing fixtures; now therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That the Council of the City of Cleveland urges Congress to enact H.R. 623 to amend the National Energy Policy and Conservation Act to eliminate some of the stringent regulations concerning the sale and installation of certain plumbing fixtures.

**Section 2.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following members of Congress: Dennis Kucinich; Stephanie Tubbs Jones; George Voinovich and Mike DeWine.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999 without the signature of the Mayor.

**Res. No. 1469-99.**

**By Councilmen Jackson, Coats, Westbrook, Lewis, Polensek, Rybka, Sweeney, Cintron, Cimperman, Zone, Jones, White, Robinson, Johnson, Britt, Patmon, Willis, Gordon, O'Malley, Melena and Dolan.**

**An emergency resolution urging the Administration, NAACP, Cleveland Police Department and the religious, civic, and business communities to support Cleveland City Council's request to the Administration to void any and all permits that would allow the KKK to rally on August 21, 1999.**

Whereas, the Ku Klux Klan (KKK) has applied for and was granted a permit to conduct a rally in downtown Cleveland on August 21, 1999; and

Whereas, the First Amendment of the United States Constitution protects the rights of free speech; and

Whereas, on the same date, August 21, 1999, the opening game for the Cleveland Browns football team will take place downtown in its new stadium, and the Black Family Expo is to take place downtown at the Cleveland Convention Center; and

Whereas, there could be over 100,000 people in downtown Cleveland on August 21, 1999; and

Whereas, the safety forces and resources of the City will be stretched to its limits on August 21, 1999, to provide for the safety and welfare of the City; and

Whereas, permits have not been granted for other events to take place on August 21, 1999 because of the demand on City resources and the Police Department; and

Whereas, recent publicity and media coverage have added to the adverse attitude to the KKK rally; and

Whereas, the NAACP and others are proposing a demonstration against the KKK at the same time, date, and place of the KKK rally; and

Whereas, recent controversies will add additional strain to the Police Department that will already be overextended on August 21, 1999; and

Whereas, the atmosphere of the City has become so charged and volatile since the original proper granting of the permit for the KKK's rally; and

Whereas, the presence of the KKK in Cleveland on August 21, 1999, along with the volatile atmosphere could result in disorder and violence; and

Whereas, the public safety and welfare is at risk if the KKK is allowed to rally on August 21, 1999; and

Whereas, at this time the public safety and welfare outweigh the KKK's right to rally on August 21, 1999; now, therefore

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That the Administration of the City of Cleveland is requested to void any and all permits that would allow the KKK to rally on August 21, 1999.

**Section 2.** That the NAACP, Cleveland Police Department, along with religious, civic, and business communities support Cleveland City Council's request to the Administration to void any and all permits that would allow the KKK to rally on August 21, 1999.

**Section 3.** That the Clerk of Council is hereby requested to transmit a copy of this resolution to Mayor Michael R. White.

**Section 4.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999 without the signature of the Mayor.

**Res. No. 1470-99.**

**By Councilman Polensek.**

**An emergency resolution withdrawing objection to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsm., and repealing Res. No. 1739-98, objecting to said stock transfer.**

Whereas, this Council objected to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsm., by Res. No. 1739-98, adopted September 28, 1998; and

Whereas, this Council wishes to withdraw its objection to the above stock transfer and consents to said stock transfer based upon and pursuant to a cooperation agreement signed July 15, 1999, a copy of which is in the file for this address with the City Law Department; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That objection to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsm., be and the same is hereby withdrawn and Res. No. 1739-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1471-99.**

**By Councilman Zone.**

**An emergency resolution objecting to the renewal of a D5 Liquor Permit at 3469 West 117th St., Suite A, 1st Fl. & Bsm.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no

later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a D5 Liquor Permit, Permit No. 1240151-0005, owned by Capone's Tavern Inc., DBA Capone's, 3469 West 117th St., Suite A, 1st Fl. & Bsmt., Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1472-99.**

**By Councilman Robinson.**

**An emergency resolution objecting to the issuance of a C1 and C2 Liquor Permit to 12408 Union Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 and C2 Liquor Permit to Permit No. 9152984, Union Beverage & Deli Inc., DBA Union Deli, 12408 Union Ave., - Cleveland, Ohio 44105; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the issuance of a C1 and C2 Liquor Permit to Permit No. 9152984, Union Beverage & Deli Inc., DBA Union Deli, 12408 Union Ave., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1473-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 466 E. 125th St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 6394819, Nick Muntaser Inc., DBA Independent Market, 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 7638494, Sabry Inc., 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 6394819, Nick Muntaser Inc., DBA Independent Market, 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 7638494, Sabry Inc., 466 E. 125th St., 1st Fl. & Bsmt., Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1474-99.**

**By Councilman Johnson.**

**An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 3111 E. 93rd St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 5235615, Little Eagle Inc., DBA Little Eagle, 3111 East 93rd Street, Cleveland, Ohio 44104; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and



Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the stock transfer of a **C2 and C2X Liquor Permit** to Permit No. **5235615, Little Eagle Inc., DBA Little Eagle, 3111 East 93rd Street, Cleveland, Ohio 44104**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1475-99.**

**By Councilman Zone.**

**An emergency resolution objecting to the renewal of a C1 Liquor Permit at 3477-79 W. 117th St., 1st Fl.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disre-

gard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **C1 Liquor Permit**, Permit No. **2691195, Ferran Corp., DBA Sunshine Market, 3477-79 W. 117th St., 1st Fl., Cleveland, Ohio 44111**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1476-99.**

**By Councilman Rybka**

**An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 5407 Fleet Ave., 1st Fl. & Bsmt.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised

Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a **C2 and C2X Liquor Permit**, Permit No. **3160622**, owned by **Ghazi Corp., DBAGhazi Market, 5407 Fleet Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44105**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1477-99.**

**By Councilman Westbrook.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3153 W. 73rd St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 6459673, Nour Corp., DBARite Shop, 3153 W. 73rd St., Cleveland, Ohio 44102, to Permit No. 8861048, 3153 W. 73rd St., Inc., 3153 W. 73rd St., Cleveland, Ohio 44102; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 6459673, Nour Corp., DBA Rite Shop, 3153 W. 73rd St., Cleveland, Ohio 44102, to Permit No. 8861048, 3135 W. 73rd St., Inc., 3153 W. 73rd St., Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1478-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 10630 Berea Road rear, 2nd Fl. & Patio.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preserva-

tion of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 8840360003, owned by 10630 Berea Road Inc., DBAU41A Bar 3, 10630 Berea Road rear, 2nd Fl. & Patio, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1479-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 1213-15 Detroit Avenue, 1st Fl., Bsmt. and Patio.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 2472235, owned by 11213 Detroit Avenue Inc., 11213-15 Detroit Ave., 1st Fl., Bsmt. and Patio, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
Effective August 18, 1999.

**Res. No. 1480-99.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 9501 Denison Ave., 1st Fl.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 4410995, owned by Junak Enterprises, Inc., DBA

Andy's Hot Spot, 9501 Denison Ave., 1st Fl., Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1481-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 831 E. 140th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 E. 140th St., Cleveland, Ohio 44110, to Permit No. 0300140, Aspinwall Market Inc., DBA Ten Market, 831 E. 140th St., Cleveland, Ohio 44110; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 3700511, Sabrina A. Head, DBA East 140th Food & Beverage, 831 E. 140th St., Cleveland, Ohio 44110, to Permit No. 0300140, Aspinwall Market Inc., DBA Ten Market, 831 E. 140th St., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1482-99.**

**By Councilman Melena.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3228 W. 65th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 4289576, Jime Corp., DBA Shop 4 Less, 3228 W. 65th St., Cleveland, Ohio 44102; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 4289576, Jime Corp., DBA Shop 4 Less, 3228 W. 65th St., Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1483-99.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 4409 Payne Ave., 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 5382960, M & L Salami Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103, to Permit No. 0072688, Affs Market Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **C2 and C2X Liquor Permit** from Permit No. **5382960, M & L Salami Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103,** to Permit No. **0072688, Affs Market Inc., DBA Tommys Market, 4409 Payne Ave., 1st Fl., Cleveland, Ohio 44103,** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1484-99.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 1229 W. Sixth St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a **D1, D2, D3, D3A and D6 Liquor Permit** to Permit No. **1840154, CRV Inc., 1229 W. Sixth St., 1st Fl. & Bsmt., Cleveland, Ohio 44114;** and

Whereas, the granting of this application for a liquor permit to this high crime area, which is

already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the stock transfer of a **D1, D2, D3, D3A and D6 Liquor Permit** to Permit No. **1840154, CRV Inc., 1229 W. Sixth St., 1st Fl. & Bsmt., Cleveland, Ohio 44114** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1485-99.**

**By Councilman Zone.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 13000 Lorain Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a **D5 Liquor Permit** from Permit No. **1038334, Bru-Lop Corp., DBA Cornerstone Tavern, 1300**

**Lorain Ave. & Bsmt., Cleveland, Ohio 44111,** to Permit No. **9055615, Thirteen Thousand Lorain Inc., DBA Cornerstone Cafe, 13000 Lorain Ave., Cleveland, Ohio 44111;** and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a **D5 Liquor Permit** from Permit No. **1038334, Bru-Lop Corp., DBA Cornerstone Tavern, 1300 Lorain Ave. & Bsmt., Cleveland, Ohio 44111,** to Permit No. **9055615, Thirteen Thousand Lorain Inc., DBA Cornerstone Cafe, 13000 Lorain Ave., Cleveland, Ohio 44111;** and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999.

**Res. No. 1486-99.**  
**By Councilman Willis.**  
**An emergency resolution objecting to the renewal of a C1 Liquor Permit at 11025 Ashbury Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, and that this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

Be it resolved by the Council of the City of Cleveland:

**Section 1.** That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 09784490005, owned by **Brooklyn Corner Foods Inc., 11025 Ashbury Avenue, Cleveland, Ohio 44106**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

**Section 2.** That the Clerk of Council is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.  
 Effective August 18, 1999.

**Ord. No. 257-99.**  
**By Councilmen Robinson, Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the City of Cleveland's municipal parking lot between East 139th - East 140th Streets and Kinsman Avenue to Mt. Pleasant Now Development Corporation.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for pub-

lic use and located at the City of Cleveland's municipal parking lot between East 139th - East 140th Streets and Kinsman Avenue; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that an easement interest in the following described property is no longer needed for public use:

**Permanent Parcel No. 130-12-029**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning in the Easterly line of East 139th Street (50 feet wide) at a point 81.62 feet Northerly of its intersection with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Northerly along the Easterly line of East 139th Street, 40 feet to the Southerly line of land conveyed to Henry and A. Traylor by deed dated December 19, 1949 and recorded in Volume 6867, Page 122 of Cuyahoga County Records;

Thence Easterly along the Southerly line of land so conveyed to Henry and A. Traylor, 96.86 feet to a point;

Thence Southerly along a line parallel to East 139th Street, 40 feet to a point;

Thence Westerly along a line parallel to the Southerly line of aforesaid land conveyed to Henry and A. Traylor, 96.86 feet to the place of beginning, and further known as being part of Sublots Nos. 74 and 75 in Wm. Behm's proposed allotment.

**Permanent Parcel No. 130-12-047**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning on the Westerly line of East 140 Street (60 feet wide) at a point 136.22 feet Northerly of its intersection with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Northerly along said Westerly line 45 feet;

Thence Westerly along a line at right angles to the Westerly line of East 140 Street, 96.86 feet to a point;

Thence Southerly along a line parallel to the Westerly line of East 140 Street, 45 feet;

Thence Easterly along a line at right angles to the last described course 96.86 feet to the place of beginning, and being further known as the Northerly 45 feet of Sublots Nos. 1 and 2 in Wm. Behm's proposed subdivision.

**Permanent Parcel No. 130-12-048**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point in the Westerly line of East 140 Street (60 feet wide) 181.22 feet Northerly from the intersection of said Westerly line of

East 140 Street, with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Westerly at right angles to said Westerly line of East 140 Street, 145.29 feet to a point;

Thence Northerly along a line parallel to the Westerly line of East 140 Street, 50 feet to a point;

Thence Easterly along a line parallel with the first described course 145.29 feet to the Westerly line of East 140 Street;

Thence Southerly along said Westerly line of East 140 Street, 50 feet to the place of beginning, and further known as being Sublot No. 4 in Wm. Behm's proposed Allotment of a part of Original 100 Acre Lot No. 446, be the same more or less but subject to all legal highways.

**Part of Permanent Parcel No. 130-12-089**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point in the Easterly line of East 139 Street (50 feet wide), 156.62 feet Northerly from the Northerly line of Kinsman Road S.E. (66 feet wide) and 290.58 feet Westerly at right angles from the Westerly line of East 140 Street (60 feet wide);

Thence Easterly at right angles to said Westerly line of East 140 Street, 96.86 feet to a point;

Thence Southerly along a line parallel with the Westerly line of East 140 Street, 35 feet to a point;

Thence Westerly parallel with the first described course 96.86 feet to a point in the Easterly line of East 139 Street, which point is 121.62 feet Northerly from the Northerly line of Kinsman Road, S.E. and 290.58 feet Westerly at right angles from the Westerly line of East 140 Street;

Thence Northerly along said Easterly line of East 139 Street, 35 feet to the place of beginning, and further known as the Northerly 35 feet of Sublots Nos. 74 and 75 in Wm. Behm's proposed allotment of part of Original 100 Acre Lot No. 446, be the same more or less, but subject to all legal highways.

**Part of Permanent Parcel No. 130-12-089**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning in the Northerly line of Kinsman Road, S.E. (66 feet wide) at a point 150 feet Northwesterly from its intersection with the Westerly line of East 140 Street (60 feet wide);

Thence Northerly along a line parallel with the Westerly line of East 140 Street, 125.12 feet to the principal place of beginning;

Thence continuing Northerly along said line parallel to East 140 Street, 68.80 feet to a point;

Thence Westerly along a line at right angles to the Westerly line of East 140 Street, 48.43 feet to a point;

Thence Southerly along a line parallel to East 140 Street, 68.80 feet to a point;

Thence Easterly along a line at right angles to East 140 Street, 48.43 feet to the principal place of beginning, and further known as the Northerly 68.80 feet of Sublot No. 73 in Wm. Behm's Allotment of a part of Original 100 Acre Lot No. 446, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 130-12-111

All that certain piece, parcel or tract of land situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point on the Northeastly line of Kinsman Road, S.E. (66 feet wide), 100 feet Northwestly from its intersection with the Westerly line of East 140 Street (60 feet wide);

Thence Northerly along a line parallel with the Westerly line of East 140 Street, about 111.35 feet to a point (said point being 45 feet Southerly of the Northerly line of land conveyed to Jerome S. Epstein, et al, by deed dated July 7th, 1957, and recorded in Volume 8888, Page 649 of Cuyahoga County Records, and the principal place of beginning;

Thence Northerly along said line parallel to East 140 Street, 45 feet to a point;

Thence Westerly on a line at right angles with the Westerly line of East 140 Street, 48.43 feet to a point;

Thence Southerly along a line parallel with the Westerly line of East 140 Street, 45 feet to a point;

Thence Easterly along a line at right angles to East 140 Street, 48.43 feet to a point in the Easterly line of aforesaid land conveyed to Jerome S. Epstein by deed dated July 7, 1957, and the principal place of beginning, and further known as being the Northerly 45 feet of Sublot No. 3 in Wm. Behm's proposed allotment of part of Original One Hundred Acre Lot No. 446, be the same more or less, but subject to all legal highways.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Mt. Pleasant Now Development Corporation at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 957-99.**

**By Councilman Westbrook.**

**An emergency ordinance to amend Sections 603.02, 604.01, 604.02, 604.03 and 604.04, and 604.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to vicious dogs.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 603.02, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 604.01, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 604.02, as amended by Ordinance No. 2884-89, passed December 4, 1989, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 19, 1989, are hereby amended to read, respectively, as follows:

**Section 603.02 Unmuzzled Dogs at Large; Duty to Report**

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner thereof or another responsible person except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harborer, or a handler.

(b) Every City employee, while in the performance of his official duties, who has in his possession or under his control any radio transmitter and receiver, telephone or other device ordinarily used for two-way communication, shall immediately report to police officers or dog wardens of the City the sighting of any unmuzzled dogs found to be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

(c) If a violation of division (a) of this section involves a dangerous or vicious dog as defined in division (b) or (k) of Section 604.01, the dog shall be impounded pursuant to Section 603.02. Impoundment of a dangerous or vicious dog because it was found to be in violation of this section shall not exempt the owner of the dog from being prosecuted under Section 604.99.

(d) Whoever violates this section is guilty of permitting unmuzzled dogs at large, and shall be fined not less than one hundred dollars (\$100.00) on the first offense, and on each subsequent offense shall be fined not less than one hundred fifty dollars (\$150.00) or more than two hundred fifty dollars (\$250.00), which fine shall be mandatory, and shall not be suspended or remitted.

(e) An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and used for the benefit of the Division of Dog Pound.

**Section 604.01 Definitions**

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) "Animal warden" means the chief dog warden of the City of Cleveland or his duly authorized representatives.

(b) "Dangerous Dog" means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the

premises of its owner, keeper, or harborer and not under the reasonable control of its owner, keeper, harborer, or some other responsible person or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top, or any dog which, on three separate occasions within a twelve (12) month period has been impounded by the City Animal Warden for being unrestrained or uncontrolled off its owner's, keeper's, or harborer's premises.

(c) "Domestic Animal" means a tamed animal.

(d) "Impounded" means taken into the custody of the public pound in the City of Cleveland.

(e) "Law Enforcement Officer" has the same meaning as division (k) of Section 601.01 of these Codified Ordinances.

(f) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(g) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(h) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(i) "Police dog" means a dog that has been trained, certified and/or approved by the state and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(j) "Serious injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

(k) "Vicious dog" means a dog that, without provocation, meets any of the following:

(1) Has killed or caused serious injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed or caused serious injury to any domestic animal;

(3) Belongs to a breed that is commonly known as a "pit bull" dog, the ownership, keeping, or harboring of such a breed of dog shall be prima facie evidence of the ownership, keeping, or harboring of a vicious dog.

A. The Staffordshire Bull Terrier breed of dogs;

B. The American Staffordshire Terrier breed of dogs;

C. The American Pit Bull Terrier breed of dogs;

D. The Pit Bull Terrier breed of dogs;

E. Dogs of mixed breeds or of other breeds than above listed, which breeds or mixed breeds are known as pit bulls, pit bull dogs, or pit bull terriers;

F. Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, Pit Bull Terrier and any other breed of dog commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of these breeds.

The ownership, keeping, or harboring of such breed of dogs shall be prima-facie evidence of the ownership, keeping or harboring of a vicious dog.

(4) Is owned, kept or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(1) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

#### Section 604.02 Exemptions

(a) The provisions of this chapter shall not include a police dog.

(b) Notwithstanding the definition of a vicious dog in Section 604.01, no dog may be declared vicious if:

(1) An injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;

(2) An injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog or was trespassing upon premises occupied by the owner or keeper of the dog; or

(3) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(4) The dog is:

A. within the confines or on the property of the Cleveland Convention Center as defined in Section 133.12 or other premises classified as assembly use structures under Group A-3 of the Ohio Basic Building Code; and

B. under the control and supervision of an owner who has entered the dog in a show or exhibition in the premises described in division (b)(4)A. of this section.

(b)(4)A. The owner, keeper or harborer of a vicious or dangerous dog is not liable in damages for any injury, death or loss to person or property caused by such dog, if such injury, death or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harborer or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog or the owner, keeper or harborer's property.

(d) Dogs conforming to division (k)(3) of Section 604.01 that are not in violation of divisions (k)(1) or (k)(2) of Section 604.01, that have successfully completed any of the following title certificates, awarded from any of the authorized agencies, shall be exempt from this section.

(1) The owner of the dog shall provide a copy of the certificate to the Dog Warden, who shall keep the certificate on file. The certificate must contain the name of the individual dog, the name of the owner, and a date noting when the title certificate was successfully completed.

(2) The owner shall submit a photograph of the dog to the Dog Warden, who shall keep the photograph on file.

(3) The owner, keeper or harborer shall have the dog tattooed or microchipped to secure positive identification, and shall submit to the Dog Warden the microchip implantation number or tattoo number assigned to the dog. The Dog Warden shall keep the documentation on file.

(4) The owner shall submit proof of a valid County License tag to the Dog Warden at time of application for exemption status.

(e) Acceptable Title certificates are:

- (1) Companion Dog;
- (2) Canine Good Citizen;
- (3) Temperament Test.

(f) Authorized agencies are any member or sanctioned Kennel, Obedience, or Specialty club that is authorized to hold conformation or obedience shows under the official guidelines as set forth by the American Kennel Club, United Kennel Club, or Canadian Kennel Club, or the American Temperament Test Society.

(g) The Dog Warden, upon receiving all documentation pertinent to the exemption status, shall issue such dog an exemption tag. The exemption tag fee is Ten Dollars (\$10.00).

(h) The owner of an exempted dog shall securely fasten the exemption tag to a substantial collar worn by such dog at all times. A valid County license tag shall also be affixed to such collar at all times. Such collar and tags may only be removed if said dog is:

- (1) Actively engaged in lawful hunting; or
- (2) The dog is competing in a dog show or other event where event rules prohibit the dog from wearing a collar and/or tags; or

(3) The dog is confined as defined in division (a) of Section 604.03.

(i) The fee charged for replacement of a lost exemption tag shall be Five Dollars (\$5.00).

#### Section 604.03 Control of Vicious and Dangerous Dogs

No owner, keeper or harborer of a dangerous or vicious dog shall fail to do either of the following, except when the dog is legally engaged in training for the purpose of hunting, herding, agility or dog competition events, accompanied by the owner, keeper, harborer, or a handler:

(a) While the dog is on the premises of the owner, keeper, harborer or handler, it must be securely confined indoors, or in a locked pen which has a top, the dimensions of which should be at least five feet by ten feet, and must have secure sides and a secure top. If such structure should have no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. Such structure must be suitable to prevent the entry of young children and designed to prevent the dog from escaping, or in a locked fenced yard which fence is at least six feet high. Any enclosure must provide protection from the elements for the dog.

(b) While the dog is off the premises of the owner, keeper or harborer, keep it on a substantial collar and leash or tether not exceeding six feet in length and additionally shall do the following:

(1) Keep the dog in a locked pen which has a top, locked fenced yard of at least six (6) feet high, or other locked enclosure which has a top; or

(2) Have the leash or tether controlled by a person who is at least eighteen (18) years of age or securely attach, tie, or affix the leash or tether to the ground or a stationary

object or fixture so that the dog is adequately restrained and station such person in close enough proximity to the dog so as to prevent it from causing injury to any person; and

(3) Muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

(c) No owner, keeper or harborer of the dog shall permit the unmuzzled dog at anytime to be on a public street, highway, park, building, or other public place.

(d) A dog declared to be dangerous or vicious by violating division (b) of Section 604.01 or divisions (k)(1) or (k)(2) of Section 604.01 shall, at the expense of such owner, keeper, or harborer, be tattooed or microchipped to secure positive identification.

#### Section 604.04 Insurance; Signs; Notification

(a) All owners, keepers or harborers of vicious dogs shall obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog. All owners, keepers or harborers of vicious dogs shall provide a copy of the policy for liability insurance to the Animal Warden on a yearly basis.

(b) All persons who presently own, keep or harbor a vicious dog must obtain a policy of liability insurance within thirty (30) days of the effective date of this section.

(c) Upon request of the Dog Warden, the owner of a vicious dog shall produce proof of liability insurance forthwith. Failure to furnish proof of liability insurance may result in the impounding of the dog by the Dog Warden until such proof is furnished.

(d) All owners, keepers or harborers of vicious or dangerous dogs shall have posted and displayed at each possible entrance onto the premises where the vicious or dangerous dog is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is a vicious or dangerous dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "VICIOUS DOG" or "DANGEROUS DOG" in lettering not less than two (2) inches in height. Such sign should also include a visual symbol for any children or people who cannot read words.

(e) (1) The owner of a vicious or dangerous dog shall notify the animal warden within twenty-four (24) hours if the vicious or dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked any person, has died, or transfer of ownership or possession of the dog has occurred.

(2) If there has been a transfer of possession or ownership of a dangerous or vicious dog, within ten (10) days after such transfer of ownership or possession, the seller, transferor, owner, keeper or harborer shall provide a completed copy of a written form to the animal warden on which the seller, transferor,

owner, keeper or harbinger shall furnish the following information:

A. The name and address of the buyer or other transferee of the dog;

B. The age, sex, color, breed, and registration number of the dog.

C. In addition, the seller, transferrer, owner, keeper or harbinger shall answer the following questions which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person or other animal? If yes, describe the incident(s) in which the behavior occurred."

The animal warden shall furnish the form to the seller or transferor at no cost.

#### Section 604.99 Penalties

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a dangerous dog, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the dangerous dog that he owns, keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three. The Court, in the alternative, may order the dangerous dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society. For repeat offenders of animal control laws under Sections 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

(b) If a violation of division (a), (b) or (c) of Section 604.03 involved a vicious dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required in accordance with divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner that is found to be in violation of division (d) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(f) Any owner that is found to be in violation of division (h) of Section 604.02 shall be found guilty of a misdemeanor of the first degree.

(g) Any owner found to own, keep, or harbor a dog wearing a fictitious, altered, or invalid exemption tag shall be found guilty of a misdemeanor of the first degree.

(h) Any exempted dog conforming to division (k)(3) of Section 604.01 that is found to be in violation of divisions (k)(1) or (k)(2) of Section 604.01 shall forfeit its exemption status permanently.

(i) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense which fine shall be mandatory and shall not be suspended or remitted.

(j) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(k) An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and used for the benefit of the Division of Dog Pound.

(l) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

**Section 2.** That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976: Section 603.02, as amended by Ordinance No. 1020-76, passed June 14, 1976,

Section 604.01, as amended by Ordinance No. 90-96, passed March 18, 1996,

Section 604.02, as amended by Ordinance No. 2884-89, passed December 4, 1989, and

Sections 604.03, 604.04, and 604.99 as amended by Ordinance No. 304-A-89, passed June 19, 1989, are hereby repealed.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1119-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of rock salt, for the Division of Streets, Department of Public Service, for a period of one year, with one option to renew for one consecutive year.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement con-

tract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of rock salt in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Public Service, to renew for an additional one-year consecutive term, and cancellable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 3242)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

#### Ord. No. 1206-99.

**By Councilman Jackson.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to AES Management Corporation to encroach into the right-of-way of Shepard Ct. S.E.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to AES Management Corporation, 3592 Lee Road, Suite 200, Shaker Heights, Ohio 44120, its successors and assigns, for the construction, use, maintenance and development of a Popeyes Chicken & Biscuits Restaurant, which will encroach into the public right-of-way of Shepard Court S.E. at a site more fully described as follows:

#### LEGAL DESCRIPTION

#### FOR SHEPARD COURT

#### S.E./ENCROACHMENT AREA

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a parcel of land which is approximately the Easterly 76.00 feet of Shepard Court S.E. (12.00 feet wide).



**Section 3.** That said restaurant will be placed within the public right-of-way as aforesaid in Section 1, and said restaurant will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 4.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1258-99.**  
By Councilman Johnson (by departmental request.)

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install security equipment, for the Director of Finance, on behalf of the Clerk of Courts, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to install security equipment, including but not limited to, restricted access systems and camera monitoring systems in the estimated sum of \$25,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Finance, on behalf of the Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 5434)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1259-99.**  
By Councilmen Willis and Johnson (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to clean and test insulators, bushings and lightning arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to clean and test insulators, bushings and lightning arrestors in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 0205)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1260-99.**  
By Councilmen Willis and Johnson (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to provide landscaping and snow removal services at various locations, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to provide landscaping and snow removal services at various locations within the Division of Cleveland Public Power in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 0204)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1261-99.**  
By Councilmen Westbrook and Johnson (by departmental request).

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for the service, repair and maintenance for voice recording equipment, for the various divisions of the Department of Port Control, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary for the service, repair and maintenance for voice recording equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 08210)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1262-99.**  
**By Councilman Cimperman.**  
**An emergency ordinance to vacate a portion of Rockwell Avenue N.E. hereinafter described.**

Whereas, on the 29th day of March, 1999 the Council of the City of Cleveland adopted Resolution No. 36-99 declaring its intention to vacate a portion of Rockwell Avenue N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 36-99 has been served upon the owners of all the property abutting Rockwell Avenue N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 30th day of June, 1999, the Board of Revision of Assessments approved the vacation of Rockwell Avenue N.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Rockwell Avenue N.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That all that portion of Rockwell Avenue N.E. (60.00 feet wide) extending Westerly from the Westerly line of East 21st Street (66.00 feet wide) to that portion of Rockwell Avenue N.E. vacated by the Council of the City of Cleveland by Ordinance Number 87-68, passed on January 8, 1968, be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland easement for existing Division of Safety Signal equipment, and Division of Fire.

The description of easement is as follows:

That portion of Rockwell Avenue N.E. (60.00 feet wide) extending Westerly from the Westerly line of East 21st Street (66.00 feet wide) to that portion of Rockwell Avenue N.E. vacated by the Council of the City of Cleveland by Ordinance Number 87-68, passed on January 8, 1968.

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Safety Signal, and the Commissioner of the Division of Fire, of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Rockwell Avenue N.E., herein provided by sending him a copy of this Ordinance.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1263-99.**  
**By Councilman Cintron.**  
**An emergency ordinance to vacate a portion of Star Court S.W. hereinafter described.**

Whereas, on the 29th day of March, 1999 the Council of the City of Cleveland adopted Resolution No. 1616-98 declaring its intention to vacate a portion of Star Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1616-98 has been served upon the owners of all the property abutting Star Court S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 30th day of June, 1999, the Board of Revision of Assessments approved the vacation of Star Court S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Star Court S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That all that portion of Star Court S.W. (12.00 feet wide) extending Easterly from the Easterly line of West 43rd Street (12.00 feet wide) to its Easterly terminus, be and the same is hereby vacated.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Star Court S.W., herein provided by sending him a copy of this Ordinance.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1264-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of various automobile, van and truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of various automobile, van and truck parts, including labor if necessary in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the

proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 1799)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1265-99.**

**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Public Health Service, Department of Health and Human Services for the Metropolitan Medical Response System Development Program and to enter into contract for the purchase of equipment and training services for the Program.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$400,000, from the Public Health Service, Department of Health and Human Services, to conduct the Metropolitan Medical Response System Development, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1265-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Safety is hereby authorized to enter into contracts for the purchase of equipment and for training services for the program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1267-99.**  
**By Councilmen Gordon, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on West 46th Street and West 47th Street to Old Brooklyn Community Development Corporation, or its designee.**

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and located on West 46th Street and West 47th Street; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Sublot Nos. 3 thru 7

West 46th Street

Permanent Parcel Nos. 016-24-107, 016-24-108, 016-24-109, 016-24-110, and 016-24-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 3 thru 7 inclusive in Milford Court Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 273, Page 82 of Cuyahoga County Map Records, bounded and described as follows:

Beginning at the Northeast corner of said Sublot No. 3 in Milford Court Subdivision at a point distant South 00° 01' 10" West, 95.59 feet from the intersection of the West line of West 46th Street, 50.00 feet wide, with the Southwest line of Eichorn Avenue S.W., 50.00 feet wide;

Thence South 00° 01' 10" West, along the said West line of West 46th Street, a distance of 240.00 feet to the Southeast corner of said Sublot No. 7 in Milford Court Subdivision said point being also the Northeast corner of land conveyed to Jean Krupyak, by deed recorded in Volume 90-1568, Page 35 of Cuyahoga County Deed Records;

Thence North 89° 58' 50" West, along the South line of said Sublot No. 7 and the North line of land so conveyed to Jean Krupyak, a distance of 127.55 feet to the Southwest corner of said Sublot No. 7;

Thence North 00° 00' 00" East, along the West line of said Sublot Nos. 3 thru 7 inclusive, a distance of 240.00 feet to the Northwest corner of said Sublot No. 3;

Thence North 90° 00' 00" East, along the North line of Sublot No. 3, a distance of 127.63 feet to the place of beginning and containing 0.7028 acres of land as described by Howard R. Selee, Registered Surveyor No. 5471, dated March 25, 1998, be the same more or less, but subject to all legal highways. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

Sublot Nos. 8 thru 13  
West 47th Street  
Permanent Parcel Nos. 016-24-112, 016-24-113, 016-24-114, 016-24-115, and 016-24-116 and 016-24-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 8 thru 13 inclusive in Milford Court Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 273, Page 82 of Cuyahoga County Map Records, bounded and described as follows:

Beginning at the Northwest corner of said Sublot No. 13 in Milford Court Subdivision at a point distant South 00° 00' 00" East, 130.50 feet from the intersection of the East line of West 47th Street, 50.00 feet wide, with the Southwest line of Eichorn Avenue S.W., 50.00 feet wide;

Thence South 00° 00' 00" East, along the said East line of West 47th Street, a distance of 289.50 feet to the Southwest corner of said Sublot No. 8 in Milford Court Subdivision said point being also the Northwest corner of land conveyed to Rita Kourey, by deed recorded in Volume 88-4675, Page 26 of Cuyahoga County Deed Records;

Thence North 90° 00' 00" East, along the South line of said Sublot No. 8 and the North line of land so conveyed to Rita Kourey, a distance of 127.46 feet to the Southeast corner of said Sublot No. 8;

Thence North 00° 00' 00" East, along the East line of said Sublot Nos. 8 thru 13 inclusive, a distance of 289.50 feet to the Northeast corner of said Sublot No. 13;

Thence North 90° 00' 00" West, along the North line of Sublot No. 13, a distance of 127.46 feet to the place of beginning and containing 0.8466 acres of land as described by Howard R. Selee, Registered Surveyor No. 5471, dated March 25, 1998, be the same more or less, but subject to all legal highways. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

Sublot Nos. 14 thru 15  
West 47th Street  
Permanent Parcel Nos. 016-24-119 and 016-24-118

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot Nos. 14 thru 15 in Milford Court Subdivision of part of Original Brooklyn Township Lot No. 46, as shown by the recorded plat in Volume 273, Page 82 of Cuyahoga County Map Records, bounded and described as follows:

Beginning at the intersection of the East line of West 47th Street, 50.00 feet wide, with the Southwest line of Eichorn Avenue S.W., 50.00 feet wide, said intersection being also the Northwest corner of Sublot No. 15 in said Milford Court Subdivision;

Thence South 00° 00' 00" East, along the said East line of West 47th Street, a distance of 130.50 feet to the Southwest corner of said Sublot No. 14 in Milford Court Subdivision;

Thence North 90° 00' 00" East, along the South line of said Sublot No. 14, a distance of 127.46 feet to the Southeast corner thereof;

Thence North 00° 00' 00" East, along the East line of said Sublot Nos. 14 thru 15, a distance of 95.74 feet to a point in the Southwest line of said Eichorn Avenue, S.W.;

Thence North 74° 44' 38" West, along the said Southwest line of Eichorn Avenue, S.W., a distance of 132.11 feet to the place of beginning and containing 0.3309 acres of land as described by Howard R. Selee, Registered Surveyor No. 5471, dated March 25, 1998, be the same more or less, but subject to all legal highways. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Old Brooklyn Community Development Corporation, or its designee, at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1268-99.**

**By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with United Chrysalis, LTD to provide economic development assistance to acquire and renovate real property at 1294 East 55th Street, Cleveland, Ohio.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with United Chrysalis, LTD to provide economic development assistance to partially finance the acquisition and renovation of real property at 1294 East 55th Street, Cleveland, Ohio.

**Section 2.** That the term of said loan shall be in accordance with the

terms as set forth in the Executive Summary contained in File No. 1268-99-A.

**Section 3.** That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1010.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1269-99.**

**By Councilmen Cimperman, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Chrysalis, LTD to provide for a ten year abatement for real estate taxes as an incentive to acquire and renovate real property located at 1294 East 55th Street located in the Cleveland Area Enterprise Zone.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, United Chrysalis, LTD (the "Enterprise") has proposed to

acquire and renovate real property at 1294 East 55th Street in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council hereby approves the application of United Chrysalis, LTD for enterprise zone incentives on the basis that United Chrysalis, LTD is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with United Chrysalis, LTD to provide for a ten (10) year abatement for real estate taxes as an incentive to acquire and renovate real property at 1294 East 55th Street; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1269-99-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1288-99.**  
**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more architects and/or engineers or one or more firms of architects and/or engineers, to provide professional services to assist in the design and construction of capital projects for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Utilities is hereby authorized for a period of two (2) years from the effective date of this ordinance, to employ by contract one or more architects and/or engineers or one or more firms of architects and/or engineers and other necessary consultants or firms of consultants in the disciplines of civil, mechanical, electrical, architectural, environmental or structural services, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assist in the design and construction of capital projects for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, including but not limited to, the design and construction of capital projects, project and construction monitoring, inspection, environmental site assessments, identification of surface and subsurface conditions, preparation of reports for regulatory agencies, specialized technical assistance, lead project design services, construction administration and field services.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 2.** That the Director of Public Utilities shall provide a report to the Clerk of Council on the architects and/or engineers selected under this ordinance and shall also provide a biannual report to the Clerk of Council with respect to the progress of capital projects.

**Section 3.** That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 1334.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
 Effective August 18, 1999.

**Ord. No. 1438-99.**  
**By Mayor White.**  
**An emergency ordinance authorizing the Mayor, or his designee, to accept registration fees, enter into contract for the provision of facilities to purchase course supplies and refreshments, in connection with the James H. Walker Construction Management Training Course to be conducted by the Office of Equal Opportunity.**

Whereas, the Office of Equal Opportunity is required, pursuant to Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, and the MBE/FBE Code contained in Chapter 187 thereof, to hold periodic training seminars to assist minority and female business firms; and

Whereas from September 14, 1999 through October 19, 1999, the Office of Equal Opportunity will be sponsoring the James H. Walker Construction Management Training Course; and

Whereas, the Council of the City of Cleveland has determined that collection of fees and provision of facilities, course supplies, refreshments and a graduation dinner in connection with said training course constitute a public purpose; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Mayor, or his designee, is hereby authorized to accept a registration fee of One Hundred Twenty-Five Dollars (\$125.00) from every registrant attending the James H. Walker Construction Management Training Course, being held September 14, 1999 through October 19, 1999; to enter into contract with Cuyahoga Community College for seminar facilities; and to purchase course supplies, refreshments and food required for the training course and graduation dinner. Such facilities, services and food shall be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Office of Equal Opportunity, using fees collected for registration, and paid from Fund No. 01-001-011302-632000, Request No. 13001.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
 Effective August 18, 1999.

**Ord. No. 1439-99.**  
**By Councilman Britt.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fairhill Center for the Aging to stretch seven (7) banners at Fairhill Road and East 124th Street on utility poles (by separate permission) for the period of July 27, 1999 through August 23, 1999, inclusive publicizing their special event.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Fairhill Center for Aging, 12200 Fairhill Road, Cleveland, Ohio 44120, to install, maintain and remove seven (7) banners on Cleveland Electric Illuminating Company and also on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; Cleveland Electric Illuminating Company poles at Fairhill Road; Pole Numbers 53246(5), 53246(6), 53246(7), 53246(8) and Cleveland Public Power poles at East 124th Street; Pole Numbers 183-2-5-2-12, 183-2-5-2-11, 183-2-5-2-10; for the period of July 27, 1999 to August 23, 1999, inclusive, publicizing their special event; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
 Effective August 18, 1999.

**Ord. No. 1440-99.**  
**By Councilman Britt.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Little Italy 2000 Redevelopment to stretch six (6) banners at Mayfield Road on utility poles (by separate permission) for the period of July 20, 1999 through August 27, 1999, inclusive publicizing their annual festival.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Little Italy 2000 Redevelopment, 12510 Mayfield Road, Cleveland, Ohio 44106, to install, maintain and remove six (6) banners on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; 12009 Mayfield Road - Pole #40, 12021 Mayfield Road - Pole #40-1, 12113 Mayfield Road - Pole #40-2, 12307 Mayfield Road - Pole #40-4, 12407 Mayfield Road - Pole #40-5, 12511 Mayfield Road - Pole #40-6; for the period of July 20, 1999

to August 27, 1999, inclusive, publicizing their annual festival; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign, erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1441-99.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mega Church to stretch two (2) banners on West 25th Street at Prame and Blatt Avenues on utility poles (by separate permission) for the period of August 5, 1999 through September 24, 1999, inclusive publicizing the Children's Day Care Center.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Mega Church, 3170 Scranton Road, Cleveland, Ohio 44109, to install, maintain and remove two (2) banners on Cleveland Public Power utility poles (by separate permission), at the following locations and pole numbers; Pole #AOM 18-59, which is the first pole south of Prame Avenue (East) on West 25th Street, and Pole #AOM 18-54, which is the second pole south of Blatt Avenue (West) on West 25th Street; for the period of August 5, 1999 to September 24, 1999, inclusive, publicizing the Children's Day Care Center; and which banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners, and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1442-99.**

**By Councilman Cintron.**

**An emergency ordinance consenting and approving the issuance of a permit for the St. Ignatius Run on September 12, 1999, sponsored by St. Ignatius High School.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Run sponsored by St. Ignatius High School, on September 12, 1999 beginning at St. Ignatius High School W. 32nd and Lorain, Lorain to Abbey, Abbey to Columbus, Columbus to Riverbed, Riverbed to Carter, Carter to Scranton, Scranton to Train, Train to Wiley and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the event and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1443-99.**

**By Councilman Cimperman (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Project LEARN to encroach into the right-of-way at 2728 Euclid Avenue with six (6) banners to be attached to utility poles (by separate permission).**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Project LEARN, lessee and occupant of the premises at 2728 Euclid Avenue, Suite 200, Cleveland, Ohio 44115-2412, its successors and assigns, to construct, use and maintain six (6) banners to be attached to three (3) utility poles (by separate permission) which will encroach into the right-of-way at 2728 Euclid Avenue, at the locations more fully described herein.

**PROJECT LEARN BANNERS/UTILITY POLE LOCATIONS AND OWNERS:**

<b>LOCATION:</b>	<b>POLE NUMBER:</b>	<b>OWNER:</b>
1. 1st pole West of 2728 Euclid Avenue (S)	B81-15	C.P.P.
2. 2728 Euclid Avenue (S)	B81-16	C.P.P.
3. 1st pole East of 2728 Euclid Avenue (S)	B81-15	C.P.P.

**Section 2.** That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

**Section 3.** That said banners will be placed within the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 4.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1444-99.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Whittier Avenue to Joni Janine Johnson.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 104-19-100 and 104-19-101, as more fully described in Section 2 below, to Joni Janine Johnson.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

## P.P. No. 104-19-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 62 in Sweesy and others Re-Allotment of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

## P.P. No. 104-19-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 64 in Sweesy Et. Al. Re-Allotment of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1445-99.****By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Light the Night Leukemia Walk-A-Thon on September 25, 1999, sponsored by the Leukemia Society.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Light the Night Leukemia Walk-a-Thon sponsored by the Leukemia Society, on September 25, 1999 starting at Parcel H behind the Rock & Roll Hall of Fame, head along the perimeter of the inner harbor behind, into and around the Cleveland Browns Stadium. From the stadium, proceed onto Erieside Avenue and head to East 9th. Take East 9th to take a right onto Carnegie, proceed on Carnegie to take a right onto Ontario, from Ontario take a left into Public Square and a left onto Superior (in front of Terminal Tower), take Superior to West 9th Street, from the corner of Superior & West 9th, head down the hill to Settler's Landing to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinance of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1446-99.****By Councilman Coats.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with E.B.C. FERRY to sponsor various community events for the benefit of Ward 10 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with E.B.C. FERRY to sponsor various community events, including the Ward 10 Community Fest to be held on September 4, 1999, for the benefit of Ward 10 of the City of Cleveland.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Five Thousand Dollars (\$5,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1447-99.****By Councilman Jackson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contract with Richard Fleischman Architects, Inc. for a building condition survey in the historic block of East 105th Street between Wade Park and Lee Avenue, for the Division of Neighborhood Development, Department of Community Development.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Richard Fleischman Architects, Inc. for professional services necessary for a building condition survey in the historic block of East 105th Street between Wade Park and Lee Avenue, on the basis of their proposal dated July 12, 1999, in the total sum of \$20,900.00, payable from Fund No. 14 SF 025, Request No. 1297, for the Division of Neighborhood Development, Department of Community Development.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1448-99.**  
By Councilman Jackson (by departmental request).

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Greater Cleveland Media Development Corporation to provide economic development assistance to partially finance the development and administration of a program to market the City of Cleveland as a place to produce commercials, television programs and major motion pictures.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a grant agreement with Greater Cleveland Media Development Corporation to provide economic development assistance to partially finance the development and administration of a program to market the City of Cleveland as a place to produce commercials, television programs and major motion pictures.

**Section 2.** That the term of said grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1448-99-A.

**Section 3.** That the grant shall not exceed Sixty Thousand Dollars (\$60,000), and shall be paid from Fund No. 17 SF 652, Request No. 1016.

**Section 4.** That the Director of Law is hereby authorized to prepare said grant agreement and such other documents as may be appropriate to complete the transaction.

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1449-99.**  
By Councilman Johnson.

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Buckeye Area Development Corporation to perform various services and to purchase equipment for the benefit of Ward 4 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is author-

ized to enter into an agreement with Buckeye Area Development Corporation to perform various services and to purchase equipment for the benefit of Ward 4 of the City of Cleveland, including a home repair assistance program, mortgage assistance program, storefront renovation and the purchase of a tractor.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1450-99.**  
By Councilman Lewis.  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1616 and 1610-12 East 66th Street to Keith Benford and Sylvia Benford.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio, Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-14-093 and 106-14-094, as more fully described in Section 2 below, to Keith Benford and Sylvia Benford.

**Section 2.** That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P. P. No. 106-14-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31 feet of Sublot No. 62 in Samuel B. Strang's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and being 31 feet front on the West-erly side of East 66th Street, and

extending back 132.83 feet on the Southerly line (which is also the Northerly side of Quimby Avenue), 132.83 feet on the Northerly line and having a rear line of 31 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 106-14-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 31 feet from front to rear of Sublot No. 61 and the Northerly 2 feet from front to rear of Sublot No. 62 in Sam'l B. Strang's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat of said Allotment in Volume 3 of Maps, Page 46 of Cuyahoga County Records.

Said parts of Sublots Nos. 61 and 62, together form a parcel of land having a frontage of 33 feet on the West-erly side of East 66th Street (formerly Dunham Avenue) and extending back between parallel lines 132 feet 9 inches to an alley (now known as East 66th Place) in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1451-99.**  
By Councilman Lewis.  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Hough Avenue to Leodis C. Matthews.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-



tate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-03-090, as more fully described in Section 2 below, to Leodis C. Matthews.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 118-03-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 16 and 17 in George E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 56 of Cuyahoga County Records, bounded and described as follows:

Beginning at a point in the Southerly line of Hough Avenue, N.E., at the Northwest corner of land conveyed to Minard A. Possons, by deed dated July 23, 1895, and recorded in Volume 600 of Deeds Page 444 of Cuyahoga County Records; thence Southerly along the Westerly line of land so conveyed to Minard A. Possons, 134.35 feet to the Southwest corner thereof; thence Westerly on a line parallel to the Southerly line of Hough Avenue, N.E., to the Southeast corner of land conveyed to Mary Etta Jackson and James L. Jackson, wife and husband, to Ida M. Boyle, by deed dated May 15, 1906 and recorded in Volume 1026 of Deeds, Page 502 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Ida M. Boyle, 134.35 feet to the Southerly line of Hough Avenue, N.E., thence Easterly, along the Southerly line of Hough Avenue, N.E., to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to restrictions of record and zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1452-99.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1619 and 1623 East 82 Street to Jacqueline Flournoy.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-002 and 106-23-003, as more fully described in Section 2 below, to Jacqueline Flournoy.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 106-23-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning at a point 630 feet West-erly from the Westerly line of East 86th Street (formerly known as Marcy Avenue) and 1,175.67 feet Southerly from the Southerly line of Wade Park Avenue, N.E., (formerly known as Wade Park Avenue); thence Southerly parallel with East 86th Street, 42.50 feet; thence Westerly and parallel with Wade Park Avenue, N.E., about 150 feet to the Easterly line of East 82nd Street (formerly known as Genesee Street); thence Northerly along the Easterly line of East 82nd Street, 42.50 feet; thence Easterly and parallel with

Wade Park Avenue, N.E., about 148.68 feet to the place of beginning and being further known as the Southerly 36.50 feet to the Sublot No. 45, and the Northerly 6 feet of Sublot No. 22 in L.M. Southern's proposed Wade Park Subdivision of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 106-23-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, bounded and described as follows:

Beginning on the Easterly line of East 82nd Street (formerly Genesee Avenue), at a point distant 1218.17 feet Southerly, measured along said Easterly line from the Southerly line of Wade Park Avenue, N.E., (formerly Wade Park Avenue); thence Easterly on a line drawn parallel to the Southerly line of Wade Park Avenue, N.E., about 149.32 feet to the Westerly line of land conveyed to Julia A. Seuffert by deed dated September 18, 1890, and recorded in Volume 483, Page 462 of Cuyahoga County Records; thence Southerly along said Westerly line 40 feet; thence Westerly on a line drawn parallel to the Southerly line of Wade Park Avenue, N.E., about 150 feet to the said Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street about 40 feet, to the place of beginning and being further known as the Southerly 38 feet to Parcel No. 22 and the Northerly 2 feet of Parcel No. 23 in L.M. Southern's Proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lots Nos. 383 and 391.

Also subject to all zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1453-99.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1795 and 1791 East 87th Street to Bobbie Laster and Geraldine Laster.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-05-058 and 119-05-059, as more fully described in Section 2 below, to Bobbie Laster and Geraldine Laster.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 119-05-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 40 feet of the Northerly 126 feet of the Westerly 110 feet of Sublot No. 49 in P.H. Babcock's Subdivision of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

P.P. No. 119-05-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 49 in P.H. Babcock's Subdivision of part of Original One Hundred Acre Lot No. 400 as shown by the recorded plat in Volume 15 of Maps, Page 38 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 87th Street (formerly Brookfield) at a point 42 feet Southerly from the Northwesterly corner of Sublot No. 49; thence Southerly along said Easterly line of East 87th Street, 44 feet; thence Easterly on a line parallel with the Northerly line of Sublot No. 49, 110 feet; thence Northerly on a line parallel with the Easterly line of East 87th Street, 44 feet; thence Westerly 110 feet to the place of beginning, as appears by said plat.

Subject to Zoning Ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months

of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1454-99.****By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8122, 8124, 8126, and 8128 Wade Park to Eaton N. Jones and Keesha M. Jones.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-19-021 and 106-19-022, as more fully described in Section 2 below, to Eaton N. Jones and Keesha M. Jones.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P.P. No. 106-19-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 and the Easterly 4 feet of Sublot No. 9 in George M. Hicks' Subdivision of part of Original One Hundred Acre Lot No. 391 as shown by the recorded plat in Volume 14 of Maps, Page 3 of Cuyahoga County Records, and together forming a parcel of land 46 feet front on the

Southerly side of Wade Park Avenue, N.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to zoning ordinances, if any.

P.P. No. 106-19-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in George M. Hicks' Subdivision of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 14 of Maps, Page 3 of Cuyahoga County Records, and being 42 feet front on the Southerly side of Wade Park Avenue N.E., and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1455-99.****By Councilman Melena (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to City Contract No. 50991 with Thermagon, Inc. to modify various provisions of the lease.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an amendment to Enterprise Zone Agreement, City Contract No. 50991 between the City and Thermagon, Inc. ("Amendment"), to amend the Enterprise Zone Agreement in accordance with the amended executive summary contained in File No. 1455-99-A.

All other terms and conditions contained in the original Enterprise Zone Agreement shall remain the same.

**Section 2.** That the Amendment herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1456-99.**

**By Councilman Melena.**

**An emergency ordinance authorizing the Director of Public Service to upgrade the fencing to be installed as part of the West 61st Street Retaining Wall Project.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service is authorized to upgrade the fencing to be installed as part of the West 61st Street Retaining Wall Project to provide for the erection of decorative fencing atop the retaining wall.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Fourteen Thousand Dollars (\$14,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1457-99.**

**By Councilman Melena (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Ripcho Studio, Inc. to provide economic development assistance to partially finance the land and building acquisition, demolition and construction of an addition to the real property located at 7630 Lorain Avenue, Cleveland, Ohio.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Ripcho Studio, Inc. to provide economic development assistance to partially finance the land and building acquisition, demolition and construction of an addition to the real property located at 7630 Lorain Avenue, Cleveland, Ohio.

**Section 2.** That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1457-99-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred and Fifty-Six Thousand Dollars (\$156,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 1014.

**Section 4.** That the Director of Economic Development is hereby authorized to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 8.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1459-99.**

**By Councilman Sweeney.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Bellaire-Puritas Festival Committee to stretch a banner across Puritas at the intersection of Puritas and West 140th Street for the period from September 3, 1999 to October 11, 1999, inclusive, publicizing the Bellaire-Puritas Fall Festival.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleve-

land, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Bellaire-Puritas Festival Committee to install, maintain and remove a banner across Puritas at the intersection of Puritas and West 140th Street for the period from September 3, 1999 to October 11, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1460-99.**

**By Councilman Willis.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to The Medical Center Company to encroach into the right-of-way of East Blvd., Bellflower Rd., Juniper Rd. and Ford Dr. for the Phase II installation and extension of a chilled water line.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Medical Center Company, 2250 Circle Drive, Cleveland, Ohio 44106-4903, its successors and assigns, for the construction, use and maintenance of a Phase II chilled water line extension, which will encroach into the right-of-way of East Boulevard, Bellflower Road, Juniper Road and Ford Drive, at the locations more fully shown by Exhibit "A" filed in the office of the Clerk of the Council of the City of Cleveland, Ohio, and also known as File Number 1460-99-A.

**Section 2.** That said Phase II chilled water line extension will be placed in the public right-of-way as aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1461-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with Cleveland Letter Service to produce, address, sort and deliver bulk mailings to the U.S. Post Office for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with Cleveland Letter Service to produce, address, sort and deliver bulk mailings to the U.S. Post Office for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Fifty Thousand Dollars (\$50,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1462-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with The Legal News Publishing Co. for the production and printing of ward newsletters for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with The Legal News Publishing Co. for the production and printing of ward newsletters for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Seventy-Five Thousand Dollars (\$75,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1463-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into a contract with Brothers Printing Co. for the production, printing and delivery of stationary items for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Clerk of Council is authorized to enter into contract with Brothers Printing Co. for the production, printing and delivery of stationary items, including letterhead, envelopes, business cards, and note pads for Cleveland City Council for a period of one (1) year commencing September 1, 1999, with an option to renew for an additional one (1) year, exercisable at the Clerk's discretion.

**Section 2.** That the annual cost of said agreement shall not exceed Fifty Thousand Dollars (\$50,000.00) and shall be payable from Fund No. 01 Subclass 01001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1464-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Wirenet to perform pre-development work in advance of environmental remediation of the former P.O.C. brewery located in Ward 18 of the City of Cleveland.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of Community Development is authorized to enter into an agreement

with Wirenet to perform pre-development work in advance of environmental remediation of the former P.O.C. brewery located in Ward 18 of the City of Cleveland.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Six Thousand Dollars (\$6,000.00) and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
Effective August 18, 1999.

**Ord. No. 1465-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the President of Council to enter into an agreement with Cleveland State University, College of Urban Affairs, to provide professional services to assist in the development of Neighborhood Priority Plans for Cleveland City Council.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the the President of Council is hereby authorized to enter into an agreement with Cleveland State University, College of Urban Affairs, to provide professional services to assist in the development and implementation of Neighborhood Priority Plans for Cleveland City Council.

**Section 2.** That the costs of said contract shall be in an amount not to exceed Forty-Five Thousand Dollars (\$45,000.00) and shall be paid from Fund No. 01 SF 001.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted August 11, 1999.

Effective August 18, 1999 without the signature of the Mayor.

**Ord. No. 1466-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (Debra Auld).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council,

expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 18: Debra Auld.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999 without the signature of the Mayor.

**Ord. No. 1467-99.**

**By Councilman Cintron.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Pedro Rodriguez).**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That this Council consents, as required by Section 675.08 of the Codified Ordinances, to allow each person named below to engage in mobile peddling in the public rights of way of Ward 14: Pedro Rodriguez.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

**Section 4.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999 without the signature of the Mayor.

**Ord. No. 1487-99.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Kosciuszko Avenue to George Edwards.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 107-07-040, 107-07-041 and 107-07-042, as more fully described in Section 2 below, to George Edwards.

**Section 2.** That the real property to be sold pursuant to Section 1 of this ordinance is more fully described as follows:

P. P. No. 107-07-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 and part of a 12 foot alley vacated by City Ordinance 1937-38 in the Posen Subdivision of a part of Original One Hundred Acre Lot Nos. 375 and 376 as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and together being 30 feet front on the Northerly side of Kosciuszko Avenue, N.E., and extending back between parallel lines 105 feet to the center line of said vacated alley, as appears by said plat.

Subject to zoning ordinances, if any.

P. P. No. 107-07-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows:

To wit: Known as being Sublot No. 58 in the Posen Allotment of part of Original One Hundred Acre Lot Nos. 375 and 376 in said City, said Sublot No. 58 has a frontage of 35 feet on the Northerly side of Kosciuszko Avenue (formerly Hoffman Street) and extends 99 feet deep to an alley, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and that part of the Southerly half of a 12 foot alley lying Northerly of said Sublot No. 58, vacated by Ordinances of the City of Cleveland passed September 12, 1938 and being Ordinance No. 1937-38.

Subject to zoning ordinances, if any.

P. P. No. 107-07-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 and the Westerly 5 feet of Sublot No. 60 and the Southerly one-half of a vacated 12 foot alley, immediately to the rear, in Joseph Hoffman's "Posen" Subdivision of part of Original One Hundred Acre Lot Nos. 375 and 376 as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records, and together forming one parcel of land 40 feet front on the Northerly side of (Hoffman Street) now known as Kosciuszko Avenue and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.

Effective August 18, 1999.

**Ord. No. 1522-99.**  
**By Councilman Cimperman.**  
**An emergency ordinance consent-**  
**ing and approving the issuance of a**  
**permit for the Cleveland Browns**  
**Race on September 11, 1999, spon-**  
**sored by Hermes Sports & Events.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Cleveland Browns Run sponsored by Hermes Sports & Events, on September 11, 1999 starting at Erieside & W. 3rd St., go Erieside east to E. 9th St., E. 9th St. to Lakeside Avenue, Lakeside Avenue to W. 3rd St., W. 3rd St. to St. Clair Avenue, St. Clair Avenue to W. 9th St., W. 9th St. to Huron, Huron to E. 9th St., E. 9th St. to Erieside, Erieside to W. 3rd St. and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the event and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it

shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
 Effective August 18, 1999.

**Ord. No. 1523-99.**  
**By Councilman Britt.**  
**An emergency ordinance authoriz-**  
**ing and directing the Director of**  
**Public Service to issue a permit to**  
**the 11th Congressional District Cau-**  
**cus to stretch banners at Stokes**  
**Boulevard at Cedar Road (westerly**  
**and easterly); and at Kinsman**  
**Avenue at East 113th Street**  
**(northerly and southerly) for the**  
**period of August 11, 1999 to Sep-**  
**tember 11, 1999 inclusive, publiciz-**  
**ing this special event.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the 11th Congressional District Caucus, to install, maintain and remove banners at Stokes Boulevard at Cedar Road (westerly and easterly; Cleveland Public Power Pole Numbers 88329 and 88330) and at Kinsman Avenue at East 113th Street (southerly and northerly; Cleveland Public Power Pole Numbers C30-2 and C30-30), for the period from August 11, 1999 to September 11, 1999, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements

of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed August 11, 1999.  
 Effective August 18, 1999.

**COUNCIL COMMITTEE MEETINGS**

**Tuesday, August 10, 1999**

**Public Safety Committee: 10:00 A.M.**—Present: Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White. Excused: Willis.

**Wednesday, August 11, 1999**

**Committee of the Whole: 9:30 A.M.**—Present: Westbrook, Chairman; Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Sweeney, White, Willis, Zone. Excused: Britt, Rybka.

**Mayor's Appointment Committee: 12:00 P.M.**—Present: Coats, Chairman; Robinson, Sweeney, Zone. Excused: Britt.

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;

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